

## The Gazette



## of India

PUBLISHED BY AUTHORITY

No. 6] NEW DELHI, SATURDAY, FEBRUARY 6, 1954

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 30th January 1954:—

Issue No.	No. and Date	Issued by	Subject
15	S. R. O. 332, dated Rewa, the 13th January 1954.	Election Commission, India.	Election Petition No. 8/187 of 1952.
16	S. R. O. 333, dated the 23rd January 1954.	Ditto.	Amendment made in the Notification No. 62/2/51-Elec. 11(3), dated the 6th November 1951.
17	S. R. O. 370, dated the 28th January 1954.	Ditto.	Appointment of Electoral Registration officers in the State of Mysore.
	S. R. O. 371, dated the 28th January 1954.	Ditto.	Appointment of Returning officers in the State of Mysore.
	S. R. O. 372, dated the 28th January 1954.	Ditto.	Appointment of Assistant Returning officers in the State of Mysore.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3

Statutory Rules and Orders issued by the Ministries of the Government of India (other than the Ministry of Defence) and Central Authorities (other than the Chief Commissioners).

## ELECTION COMMISSION, INDIA

New Delhi, the 29th January 1954

S.R.O. 376.—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the names of the persons shown in column 1 of the Schedule below who, having been nominated as candidates for bye-election to the Ajmer Legislative Assembly from the

constituency specified in the corresponding entries in column 2 thereof and each having appointed himself to be his election agent at the said bye-election, have, in accordance with the decision given by the Election Commission under sub-rule (4) of the said rule, failed to lodge the returns of election expenses within the time and in the manner required and have thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), are hereby published:—

## SCHEDULE

Name of the candidate	Name of constituency
I	2
Shri Misri Lal Chitlangia of Ajmer	Bhinai
Shri Gokal of Chhatrai	Bhinai

[No. AJ-LA/53(3)Bye/2179.]

**S.R.O. 377.**—In pursuance of sub-rule (5) of rule 114 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, the name of the person shown in column 1 of the Schedule below who having been nominated as a candidate for bye-election to the Ajmer Legislative Assembly from the constituency specified in column 2 thereof, and having appointed himself to be his election agent at the said bye-election, has, in accordance with the decision given by the Election Commission under sub-rule (4) of the said rule, failed to lodge the return of election expenses in the manner required and has thereby incurred the disqualifications under clause (c) of section 7 and section 143 of the Representation of the People Act, 1951 (XLIII of 1951), is hereby published:—

## SCHEDULE

Name of candidate	Name of constituency
I	2
Shri Chiman Singh of Beawar	Bhinai

[No. AJ-LA/53(6)/Bye/2185.]

By order,  
P. N. SHINGHAL, Secy.

## CORRIGENDUM

*New Delhi, the 1st February 1954*

**S.R.O. 378.**—In the Election Commission's notification No. 69/53, dated the 1st September, 1953, published in the *Gazette of India Extraordinary*, Part II—Section 3, dated the 11th September, 1953, as S.R.O. 1698, delete the entries in "IV-Madhya Pradesh", relating to Shri Raghunathmal Sarabsukh Kochar".

[No. 69/53/2223.]

By order,  
P. R. KRISHNAMURTHY, Asstt. Secy.

## MINISTRY OF HOME AFFAIRS

*New Delhi, the 31st January 1954*

**S.R.O. 379.**—In exercise of the powers conferred by section 2 of the Part C States (Laws) Act, 1950 (XXX of 1950), the Central Government hereby extends

to the State of Ajmer the Punjab Security of the State Act, 1953 (Punjab Act XII of 1953), (hereafter in this notification referred to as the said Act) as at present in force in the State of Punjab, subject to the following modifications, namely:—

#### Modifications

1. All functions and powers of the State Government under the said Act shall be the functions and powers of the Central Government as well as of the Chief Commissioner of the State of Ajmer;
2. For the word 'Punjab' wherever it occurs in the said Act the word 'Ajmer' shall be substituted;
3. In sub-section (3) of section 10 of the said Act the words "through the Commissioner of the Division" shall be omitted; and
4. Section 14 of the said Act shall be omitted.

The text of the said Act as modified is published as an annexure to this notification.

#### ANNEXURE

##### PUNJAB ACT No. XII OF 1953

##### THE PUNJAB SECURITY OF THE STATE ACT, 1953

##### AN ACT

*to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.*

It is hereby enacted as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Punjab Security of the State Act, 1953.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force at once.

2. *Sabotage.*—(1) No person shall do any act with intent to impede the working of, or to cause damage to,—

(a) any building, vehicle, vessel, machinery, apparatus, or other property used, or intended to be used, for the purposes of Government or any local authority;

(b) any railway, tramway, road, canal, bridge, culvert, causeway, aerodrome, telegraph, telegraph line or telegraph post;

(c) any rolling-stock of a railway or tramway or any aircraft;

(d) any building or other property used in connection with any industry, business or establishment of the nature specified in the Schedule.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reasonable grounds for believing that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

*Explanation.*—No person shall be deemed to have contravened or attempted to have contravened the provisions of this section if he commences, continues, acts in furtherance of, or omits to do anything in pursuance of, a strike which is not illegal under any law for the time being in force.

3. *Quasi-military organisations.*—(1) No person shall take part in the organisation, control, management or training of, or be a member of, any body of persons organised or trained or equipped for the purpose of enabling them to be employed in usurping the function of the police or for the unauthorised use or display of force.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. *Power to prohibit drilling.*—The District Magistrate, if satisfied that it is necessary so to do in the interests of the security of the State or for the maintenance of public order, may, by order in writing, prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the unauthorised practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the organised use, of weapons of offence.

5. *Wearing or display of uniforms, flags, etc.*—(1) No person shall have in his possession, or wear, carry or display, any uniform, flag, banner or emblem which has been declared by the State Government by notification in the Official Gazette to signify association with any organisation declared unlawful by the Government.

(2) Any such uniform, flag, banner or emblem, wherever found shall be forfeited to the Government.

(3) If any person publicly wears, carries or displays any such uniform, flag, banner or emblem, he shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

6. *Power to prohibit meetings and processions.*—The District Magistrate, if satisfied that it is necessary so to do for the maintenance of public order may, by order in writing, from time to time, prohibit within such area and for such period not exceeding two months as may be specified in the order,—

- (a) the holding of any procession or demonstration in any public place;
- (b) the holding of any public meeting;
- (c) the carrying in public of anything capable of use as a weapon of offence.

7. *Power to restrict movements of persons.*—(1) The State Government or a District Magistrate, if satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order, it is necessary so to do, may by order in writing, give one or more of the following directions, viz., that such person—

- (a) shall not enter, reside or remain in any area that may be specified in the order;
- (b) shall reside or remain in any area that may be specified in the order;
- (c) shall remove himself from, and shall not return to, any area that may be specified in the order;
- (d) shall notify his movements or report himself, in such manner and at such times and to such Magistrate, as may be specified in the order.

(2) An order made under sub-section (1) (hereinafter referred to as a restriction order) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of the restrictions or conditions specified in the order.

(3) No restriction order shall be operative for more than—

- (a) one month, if made by a District Magistrate, and
- (b) one year, if made by the State Government.

(4) The State Government may at any time cancel or modify any restriction order made by a District Magistrate.

(5) An order made under clause (a) or clause (c) of sub-section (1) may, if made by the State Government, specify as the area to which the order relates the whole State or any part thereof only and, if made by the District Magistrate, specify as such area the whole or any part of the district only:

Provided that no such order made by the State Government shall direct the exclusion or removal from the State of any person ordinarily resident in the State; and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in the district.

(6) As soon as may be after a restriction order is made, the authority making the order shall communicate to the person against whom the order is made, so far as such communication can be made without disclosing facts likely to endanger public safety or the security of the State, the grounds on which the order has been made and such other particulars as are in its opinion adequate to enable him to make a representation to the State Government against the order, and inform him of his right to make such representation and shall afford him the earliest opportunity of doing so.

(7) When the restriction order is made by a District Magistrate, he shall forthwith report to the State Government that the order has been made, the grounds on which it has been made and such other particulars as, in his opinion, have a bearing on the case.

(8) On receipt of a representation from the person against whom a restriction order has been made, the State Government shall, as soon as may be, place it before the Advisory Council constituted under sub-section (9) together with the grounds on which it has been made.

(9) The State Government shall constitute an Advisory Council consisting of a Chairman and two other members all of whom shall be persons who are or have been, or are qualified to be appointed as Judges of a High Court.

(10) The Advisory Council shall, after considering the material placed before it and, if necessary, after calling for such further information from the State Government or from the person concerned as it may deem necessary, submit its report to the State Government within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the State Government may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the State Government and the Advisory Council and the report made by the latter shall be confidential and, notwithstanding anything contained in any law for the time being in force, no Court shall be entitled to require any public servant to produce before it any of the aforesaid documents.

8. *Possession or conveyance of proscribed documents.*—(1) Whoever, without lawful authority:—

(a) has in his possession, or

(b) carries for delivery to another person otherwise than through the post, any document the importation of which has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever intentionally permits his name or address to be used in order to facilitate transmission, through the post or otherwise, to any person other than the person for whom it purports to be intended, of any document of the nature described in sub-section (1), shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

9. *Dissemination of rumours, etc.*—Whoever—

(a) makes any speech, or

(b) by words, whether spoken or written, or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,

shall, if such speech, statement, rumour or report undermines the security of the State, friendly relations with foreign States, public order, decency or morality, or amounts to contempt of Court, defamation or incitement to an offence prejudicial to the security of the State or the maintenance of public order, or tends to overthrow the State, be punishable with imprisonment which may extend to three years or with fine or with both.

10. *Imposition of collective fines in dangerously disturbed areas.*—(1) The State Government may, by notification in the Official Gazette, declare the whole or any part of the State to be a dangerously disturbed area.

(2) The State Government or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

(a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State or the maintenance of law and order,

(b) have been harbouring persons concerned in the commission of such offences or acts,

and impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him to the State Government, and the State Government may thereupon amend, vary or rescind such order.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgment, of the respective means of such inhabitants.

(6) The portion of such fine payable by any person may be recovered from him as fine or as arrears of land revenue.

11. *Powers of search.*—The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include the power to issue warrants for—

(a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the security of the State or the maintenance of public order has been, is being, or is about to be, committed, or that preparation for the commission of any such offence or act is being made;

(b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the said Code shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

12. *Offences under the Act to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Act shall be cognizable and shall, if the offence is punishable with imprisonment for a term which may extend to a period exceeding one year, be non-bailable.

13. *Protection of action taken under this Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under, or in pursuance of, this Act.

(2) No suit or other legal proceedings shall lie against the State Government or except with the sanction of the State Government, against any of its officers, for any damage caused or likely to be caused by anything in good faith done or intended to be done under, or in pursuance of, this Act.

#### THE SCHEDULE

[See section 2(1) (d)]

All undertakings relating to—

- (a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road transport, telegraph, telephone, broadcasting and postal services, hospitals and services connected with the safeguarding of the public health, mines, fire-brigades, printing presses;
- (b) the manufacture, storage or distribution of stores or equipment required by Government for its departments or services;
- (c) any system of public conservancy or sanitation;
- (d) the upkeep of roads and bridges;
- (e) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or

- (f) any industry, business or establishment engaged in the production or supply to the public of any commodity essential to the life of the community.

[No. 25/14/53-Poll.]

U. K. GHOSHAL, Dy. Secy.

## MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 20th January 1954*

**S.R.O. 380.**—In exercise of the powers conferred by sub-section (1) of section 213 of the Indian Merchant Shipping Act, 1923 (Act XXI of 1923), the Central Government is pleased to direct that the following further amendments shall be made to the Indian Pilgrim Ship Rules, 1933, the same having been previously published as required by sub-section (3) of the said section, namely:—

In the said Rules—

1. In sub-rule (i) of rule 107, after the figures and words "12 years of age", the following sentence shall be inserted, namely:—

"Two beds in the hospital shall be earmarked for maternity cases: provided that, where these beds are not required for such cases, the beds shall be made available for sick women also".

2. In the Table annexed sub-rule (I) of rule 109 against "Sago", for the figure and letters, "5 lbs" the figures and letters "15 lbs" shall be substituted.

3. In the Table annexed to sub-rule (I) of rule 110—

(a) the entry "Choloretone (Park Davis & Co.).....  $\frac{1}{2}$  oz." shall be omitted;

(b) in the entry relating to "Dextrosol powder" for the figure and letters "1 lb.", the figure and letters "2 lbs." shall be substituted;

(c) after the entry "Digoxin (B. & W.)..... 100 tablets per vessel.", the entry "Dimenhydrinate (Dramamine)..... 30 grammes." shall be inserted.

4. After rule 110, the following rule shall be inserted, namely:—

"110A. Every pilgrim ship carrying female pilgrims shall be provided with the articles relating to maternity equipment, specified in the first column of the Table annexed hereto, the quantity of each such article being that specified in the corresponding entry in the second column."

5. To sub-rule (3) of rule 156, the following sentence shall be added, namely:—

"The nurse (or the female attendant, if no nurse has been appointed) shall be trained in midwifery work and be able to handle maternity cases on the advice of the medical officer".

### TABLE

(Mentioned in Rule 110 A)

Name of article	Quantity
Sterilized mattresses . . . . .	3
Bed sheets . . . . .	8
Pelvimeter . . . . .	1
Foetuscope . . . . .	1
Enema Can with fittings . . . . .	1
Safety razor . . . . .	1
BedPans . . . . .	1
Irrigation Can with tubing . . . . .	1
Gloves . . . . .	2 pairs
Bowls . . . . .	1 each of 17", 12", 8", 6", 4" and 3".
Kidney tray . . . . .	1

Name of articles	Quantity
Bucket . . . . .	1
Receptacle for waste . . . . .	1
Buckets with lids . . . . .	2
Jugs . . . . .	1
Hand lamp . . . . .	1
Basin for washing hands . . . . .	1
Scissors . . . . .	1
Bin for soiled dressing . . . . .	1
Artery forceps . . . . .	2 each of 6" and 8".
Vaginal Speculum retractor . . . . .	1
Perineal Suture Needle mounted . . . . .	1
Tissue Forceps . . . . .	3 each of 8".
Craniotomy set of instruments . . . . .	1
Ovum Forceps . . . . .	1
Instruments trolley . . . . .	1
Mackintosh apron . . . . .	1
Mackintosh per bed . . . . .	2 pieces each of 2 yards.
Dressing drums . . . . .	2
Jar for swabs . . . . .	2
Syringes with two needles extra . . . . .	2 each of 2 CC.
Syringes with two needles extra . . . . .	1 of 10 CC.
Bozman's Double Channel Catheter . . . . .	1
Baby bath tub . . . . .	1
Soap (Glycerine) . . . . .	2 cakes.
Baby toilet powder . . . . .	4 ozs.
Cordligatures . . . . .	1 Dozen.
Mucus Catheter . . . . .	1
Towels . . . . .	1/2 dozen.
<i>Baby clothes—</i>	
Kurta or frock per bed . . . . .	8
Baby binder per bed . . . . .	8
Woollen jackets per bed . . . . .	4
Socks per bed . . . . .	4
Baby napkins . . . . .	18
Baby blankets per bed . . . . .	3
Mother Clothes per had . . . . .	3 Sets.
<i>Medicines—</i>	
Ergorate Tablets . . . . .	50
Erbolin capsules . . . . .	75
Fersolate Tablets . . . . .	100
Olive Oil . . . . .	1 lb
Brandy . . . . .	4 ozs.

[No. 54-AWT.]

A. J. KIDWAI, Dy. Secy.

## MINISTRY OF STATES

New Delhi, the 30th January 1954

**S.R.O. 381.**—In exercise of the powers conferred by Entry 3(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951, the Central Government is pleased to specify

1. Khan Abdul Rehman Khan, and
2. Khan Abdul Rahim Khan,

members of the family of the Ruler of Malerkotla for the purposes of that entry and directs that the exemption shall be valid only in respect of one rifle, one shot gun and one Pistol or revolver.

[No. 10-D.]



*New Delhi, the 3rd February 1954*

**S.R.O. 382.**—The Central Government is pleased to notify that—

1. M. K. Shri Bhupendrasinhji—Yuvraj,
2. M. K. Shri Dhirendrasinhji, and
3. M. K. Shri Pushpendrasinhji,

sons of the Raja of Lunawada, have been nominated by the said Ruler, for the purposes of Entry 2(b) of the Table annexed to Schedule I to the Indian Arms Rules, 1951.

[No. 11-D.]

S. K. AYANGAR, Under Secy.

## MINISTRY OF FINANCE

### Department of Economic Affairs

#### CORRIGENDUM

#### COMPANY LAW

*New Delhi, the 28th January 1954*

**S.R.O. 383.**—In the notification of the Government of India in the Ministry of Finance, No. S.R.O. 1863, dated the 3rd October, 1953, for “hereby appoints with effect from the 3rd October, 1953” read “has appointed with effect from the 1st October, 1953”.

[No. 23(48)-CL/53.]

## ORDER

*New Delhi, the 28th January 1954*

**S.R.O. 384.**—Whereas the Administrator appointed by the Central Government under sub-section (2) of section 52A of the Insurance Act, 1938 (IV of 1938), in respect of the Famous Life Insurance Company Limited, having its registered office at Bombay, has recommended the winding up of the said Company;

And whereas the High Court of Judicature at Bombay, on the application of a creditor supported by the Administrator, has ordered the said Company to be wound up and has appointed the Court Liquidator, Bombay, to be the liquidator of the said Company;

Now, therefore, in exercise of the powers conferred by section 52D of the said Act, the Central Government hereby cancels the order published with the Notification of the Government of India, No. 63-IE(3)/52, dated the 29th October, 1952, appointing the Administrator aforesaid, and directs that he shall be deemed to have been divested of the management of the insurance business of the said Company, with effect from the 10th August, 1953, the date on which the High Court passed the order for winding up of the said Company and appointing the Court Liquidator, Bombay, to be the liquidator of the said Company.

[No. 63-IE(4)/52.]

B. K. KAUL, Dy. Secy.

## MINISTRY OF FINANCE (REVENUE DIVISION)

### DANGEROUS DRUGS

*New Delhi, the 28th January 1954*

**S.R.O. 385.**—In pursuance of clause (a) of rule 2 of the Central Opium Rules, 1934, and in supersession of Notification No. S.R.O. 1768, dated the 21st September, 1953, published in Part II—Section 3, page 1485 of the *Gazette of India*, dated the 26th September, 1953, the Central Government hereby defines the tracts specified in the Schedule annexed hereto as the tracts in the States of Uttar Pradesh,

Madhya Bharat and Rajasthan within which poppy may be cultivated on account of Government, during the opium year from the 1st October, 1953, to the 30th September, 1954:—

## SCHEDULE

## PART I

*State of Uttar Pradesh*

Designation of Tract	District	Extent
		Tehsil/Pargana
Ghazipur Opium Circle	Ghazipur	Dehna, Zahurabad, Zamania, Mohammadabad, Pachotar, Ghazipur and Shadiabad.
	Banaras	Majhwar, Barah, Mahurai, Mahach, Narwan and Barhwal.
	Gorakhpur	Bhauwapar, Dhuriapar, Unaola and Chillupar.
	Azamgarh	Sagri, Nathupur, Ghosi and Chirayakot.
Faizabad Opium Circle	Faizabad	Mangalsi, Khandasa, Rath Amsin and Haveli.
Bara Banki Opium Circle	Basti	Amroha.
	Bara Banki	Daryabad, Baddu Sarai, Nawabganj, Ramnagar, Dewa, Kursi, Partabganj, Satrik, Siddhaur, Subeha and Haidergarh.
Bareilly Opium Circle	Bareilly	Sancha, Ballia, Aonla, Sirauli and Faridpur.
Shahjahanpur Opium Circle	Shahjahanpur	Jalalabad, Kanr, Nigohi, Tilhar and Jalalpur.

## PART II

*State of Madhya Bharat*

Designation of Tract	District	Extent
		Tehsil/Pargana
Neemuch I Opium Circle	Mandsaur	Neemuch and Jawad.
Neemuch II Opium Circle	Mandsaur	Garoth, Bhanpura and Manasa.
Mandsaur I Opium Circle	Mandsaur	Mandsaur.
Mandsaur II Opium Circle	Mandsaur	Mathargarh and Sitamau.
Ratlam Opium Circle	Ratlam	Ratlam, Jaora, Alot and Sailana.

## PART III

*State of Rajasthan*

Designation of Tract	District	Extent
		Tehsil/Pargana
Chittorgarh Opium Circle	Chittorgarh	Achnera, Partabgarh, Chhoti Sadri, Kanera, Nimbahera, Begun, Chittorgarh, Barisadri, Bhadesar and Doongla.
	Bhilwara	Bijolia.

Designation of Tract	District	Extent
		Tehsil/Pargana
Jhalawar Opium Circle . . .	Jhalawar . . .	Khanpur, Aklera, Manohar Thana, Bakani, Asnawar, Patan, Bhawani Mandi, Dag and Gangdhar.
	Kotah . . .	Ramganj Mandi, Sangod and Chchhet-Morak.
Kotah Opium Circle . . .	Kotah . . .	Chhipa Barod, Chhabra and Atru.

[No. 1.]

M. P. ALEXANDER, Under Secy.

**CENTRAL BOARD OF REVENUE**

## INCOME-TAX

*New Delhi, the 29th January 1954*

**S.R.O. 386.**—In exercise of the powers conferred by sub-section (2) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue hereby directs that Shri Raj Singh who has been appointed by the Central Government to be a Commissioner of Income-tax, with effect from the date he takes over charge of his duties as a Commissioner of Income-tax, shall perform his functions under the said Act in respect of the areas comprised in the States of Bihar and Orissa, and in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority in the aforesaid areas.

Provided that he shall not perform his functions in respect of such persons or such cases as have been or may be transferred by the Central Board of Revenue to any Income-tax Authority outside the aforesaid areas.

[No. 7.]

G. L. POPHALE, Secy.

**MINISTRY OF COMMERCE AND INDUSTRY**

## INDIAN PATENTS AND DESIGNS ACT.

*New Delhi, the 19th January 1954*

**S.R.O. 387.**—In pursuance of Section 40 of the Indian Patents and Designs Act, 1911 (II of 1911), the Central Government is pleased to extend the provisions of the said Section to the Sarvodaya Exhibition, Kalyani, West Bengal, held during the year 1954.

[No. 18(3)TMP/1954.]

## MERCHANDISE MARKS

*New Delhi, the 27th January 1954*

**S.R.O. 388.**—The following draft of any amendment in the notification of the Government of India in the Ministry of Commerce and Industry, No. S.R.O. 440, dated the 31st March, 1951, which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 12A of the Indian Merchandise Marks Act, 1889 (IV of 1889) is published as required by sub-section (4) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration after the 3rd March 1954. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

In Part I of the Schedule to the said notification, for the words "On the goods themselves" in column 3 against item No. 7 relating to "Fents" the words "On the bundles, containers or coverings" shall be substituted.

[No. 3(22)-T.M.&P(MM)/53.]

J. N. DUTTA, Dy. Secy.

*New Delhi, the 30th January 1954*

**S.R.O. 389.**—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the Cotton Textiles (Control) Order, 1948, namely:—

In the said Order, in the proviso to paragraph (a) of sub-clause (3) of clause 21 for the word and figure "December 1953" the word and figure "June 1954" shall be substituted.

[No. 9(4)-CT(A)/54-2.]

*New Delhi, the 1st February 1954*

**S.R.O. 390.**—In exercise of the powers conferred under Section 4(3)(g) of the Central Silk Board Act, 1948 (Act No. LXI of 1948), the Central Government is pleased to appoint Shri P. C. Agarwal, Deputy Director of Industries, Government of Madhya Bharat, as a Member of the Central Silk Board.

[No. 23(54)-CTB/53.]

S. A. TECKCHANDANI, Under Secy.

*New Delhi, the 1st February 1954*

**S.R.O. 391.**—In exercise of the powers conferred by sub-clause (a) of Clause 2 of the Iron and Steel (Control of Production and Distribution) Order, 1941, the Central Government is pleased to direct that the following amendment shall be made in the Notification of the Government of India in the late Ministry of Industry and Supply No. I(1)-4(41), dated the 7th September, 1950, as amended from time to time, namely:—

To the Schedule annexed to the said Notification, the following entry shall be added, namely:—

"Special Officer (Iron and Steel and Cotton), Office of the Director of Industries and Commerce, Chepauk, Madras-5."

[No. SC(A)-4(156)/53.]

D. HEJMADI, Under Secy.

#### ORDER

*New Delhi, the 2nd February 1954*

**S.R.O. 392.**—Whereas the Central Government is of the opinion that the said industrial undertaking known as Kaleeswarar Mills, Coimbatore, is being managed in a manner highly detrimental to the scheduled industry concerned and also to public interest;

Now, therefore, in exercise of the powers conferred by section 15 of the Industries (Development and Regulation) Act, 1951 (LXV of 1951), the Central Government hereby appoints Shri R. Venkatesan, Chartered Accountant of Messrs. Fraser & Ross, Madras, for the purpose of making an investigation into the circumstances of the case with special reference to the following points:—

- (a) whether the balance sheets of the undertaking have been placed for each year before the meeting of the shareholders and submitted in proper time;
- (b) whether the balance sheets disclose acts of misapplication of funds;
- (c) whether the orderly working of the undertaking has been interrupted by any action for which there is no justification; and

- (d) whether the managing agents have contravened any of the provisions of the Indian Companies Act, 1913 to the detriment of the interests of the undertaking.

[No. 14(1)-CT(A)/54.]

B. B. SAKSENA, Dy. Secy.

## MINISTRY OF FOOD AND AGRICULTURE

*New Delhi, the 25th January 1954*

**S.R.O. 393.**—In pursuance of the provisions of sub-clause (3) of clause 1 of the Foodgrains (Licensing and Procurement) Order, 1952, the Central Government hereby directs that the said Order shall come into force in the areas specified in the Schedule hereto annexed, on the 1st February 1954 in respect of wheat imported into India from any place outside India.

### SCHEDULE

#### 1. The area comprising:—

- (1) The Poona City Municipal Borough.
- (2) The Poona Suburban Municipal Borough.
- (3) The Poona Cantonment.
- (4) The Kirkee Cantonment.
- (5) The Revenue limits of Aundh, Bopodi, Wanowari and Bibevewadi villages of Poona City Taluka.
- (6) The Revenue limits of Bhamburda, Yerandawana and Parvati villages in Poona City Taluka excluding the areas which are included in the Poona City-Municipal Borough.
- (7) The Revenue limits of the Yervada village excluding the area which is included in the Poona Suburban Municipal Borough.
- (8) The Revenue limits of the Ghorpuri village excluding the area which is included in the Poona Cantonment.
- (9) Survey Nos. 22-A, 22-B and 62 of the Hingane Budruk village in Haveli Taluka (Mahila Ashram and Widow's Home).
- (10) Survey Nos. 7, 8 and part of Survey Nos. 38 of the Vadgaon Sheri village in Haveli Taluka (De-Hydration Factory).

#### 2. The area comprising:—

- (1) The Ahmedabad Municipal Borough.
- (2) The Cantonment of Ahmedabad.
- (3) The area comprising the Survey Nos. 69-83 of the Vastrapur village.
- (4) The Revenue limits of the following villages in the City Mahal, Ahmedabad:—
  - (i) Hansot, (ii) Sahijpura-Bogha, (iii) Ranip, (iv) Wadaj, (v) Paladi, (vi) Casna-Maktanpuri (vii) Dani-Limda, (viii) Amraiwadi, (ix) Acher, (xii) Sheikhpur-Khanpur, (xiii) Kochral (xiv) Madalpur, (xv) Ghangispur, (xvi) Usmanpur, (xvii) Memnagar, (xviii) Beherampur, (xix) Rajpur-Hirpur, (xx) Gomtipur, (xxi) Saraspur, (xxii) Asarwa, (xxiii) Naroda, (xxiv) Dariapur Kajipur.

#### 3. The area comprising:—

- (1) The Sholapur City Municipal Borough.
- (2) The village Bale and Shelgi, the Revenue village of Sholapur, the Survey Nos. 15-B, 7 and 12, and 9-B and 9-C of the Degaon village known as Ganeshwadi, Kadadivasi and Sher-Khanvasti respectively and the Umedpur settlement.

[No. PYII-654(8)/53-54.]

S. N. BHALLA, Dy. Secy.

## (Agriculture)

*New Delhi, the 28th January 1954*

**S.R.O. 394.**—In exercise of the powers conferred by section 6 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby declares that the provisions of the said Act shall apply to the following article namely:—

“Essential oil.”

[No. F.5-86/52-Dte.II.]

S. D. UDHRAIN, Under Secy.

## (Agriculture)

*New Delhi, the 1st February 1954*

**S.R.O. 395.**—In pursuance of the powers conferred by Section 4(c) of the Indian Coconut Committee Act, 1944, the Central Government is pleased to nominate Shri P. T. John, Manager, Tata Oils Mills Co. Ltd., Ernakulam, as a member of the Indian Central Coconut Committee for a period of three years with effect from 1st April 1954.

[No. F.2-14/53-Com.II.]

F. C. GERA, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

## CORRIGENDUM

*New Delhi, the 29th January 1954*

**S.R.O. 396.**—In Section 3 of Part II of the *Gazette of India*, dated the 16th January, 1954, under the heading “Ministry of Information and Broadcasting”, omit S.R.O. 215.

[No. 6/14/53-FIL.]

D. KRISHNA AYYAR, Under Secy.

*New Delhi, the 30th January 1954*

**S.R.O. 397.**—In exercise of the powers conferred by sub-sections (1) and (2) of section 8 of the Cinematograph Act, 1952 (XXXVII of 1952), the Central Government hereby directs that the following further amendments shall be made in the Cinematograph (Censorship) Rules, 1951, with effect from the 1st March, 1954, namely:—

**In the said Rules—**

(a) in rule 6A after the word “Board” where it occurs for the first time, the words “or an Advisory Panel” shall be inserted, and after the word “Board” where it occurs for the second and last time, the words “or, as the case may be, of that Advisory Panel” shall be inserted;

(b) for rules 9 and 10, the following rules shall be substituted, namely:—

“9. *Constitution of Advisory Panels and appointment of members thereof.*—

(1) The Central Government shall constitute an Advisory Panel at each of the towns of Bombay, Calcutta and Madras.

(2) An Advisory Panel constituted under sub-rule (1) shall consist of such number of members as the Central Government may, after consultation with the Board, determine.

(3) The Central Government shall, after consultation with the Board, appoint any person whom it thinks fit to be a member of an Advisory Panel:

Provided that every such person as held the office of a member of the Advisory Panel at Bombay, Calcutta or Madras immediately before the 1st day of March, 1954, shall be deemed to be a member of the

first Advisory Panel at Bombay, Calcutta or Madras, as the case may be, constituted on or after the 1st day of March, 1954, under this rule.

10. *Term of office of members of Advisory Panels.*—(1) A member of an Advisory Panel shall hold office for two years from the date of his appointment:

Provided that in the case of the first Advisory Panel constituted at each of the towns of Bombay, Calcutta and Madras on or after the 1st day of March, 1954, as nearly as possible one half of the members thereof shall retire as soon as may be on the expiration of the first year, the names of the members so retiring being determined by lot drawn by the Regional officers concerned.

- (2) The Central Government may, on the recommendation of, or after consultation with, the Board, remove from office any member of an Advisory Panel before the expiration of his term of office.

- (3) A retiring member or a member whose term has expired by efflux of time shall be eligible for reappointment.

- 10A. *Filling of casual vacancy.*—A casual vacancy in an Advisory Panel caused by the resignation, death, or removal of any member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office only for the remainder of the term for which the member whose place he takes was appointed."

[No. F.6/24/53-FII-C.C.R.A./10.]

S. P. ADVANI, Dy. Secy.

## MINISTRY OF IRRIGATION AND POWER

### ORDER

*New Delhi, the 28th January 1954*

**S.R.O. 398.**—In exercise of the powers conferred by sub-section (3) of section 35 of the India Electricity Act, 1910 (IX of 1910), the Central Government hereby makes the following amendment in the order of the Government of India in the Ministry of Irrigation and Power, No. EL.II-213(4)I, dated the 17th September, 1953.

In the preamble to the said Order, for clause (i) of paragraph 3, the following clause shall be substituted, namely:—

"(i) *Number of members of the Board and manner of their appointment.*

The number of members of which the Board shall be constituted shall be nine and the members shall be appointed by the Central Government by notification in the Gazette of India."

[No. EL.II-213(4)I.]

*New Delhi, the 1st February 1954*

**S.R.O. 399.**—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Electricity Act, 1910 (IX of 1910), the Central Government hereby directs that the following amendments shall be made in the notification of the Government of India in the Ministry of Irrigation and Power No. EL-II-213(4)II, dated the 18th September, 1953, namely:—

In the said notification—

- (1) for the entries in the first and the second columns against item No. 1, the following entries shall be substituted, namely:—

"1. Shri S. S. Kumar, Secretary and Chief Engineer to the Government of Punjab, Public Works Department, Electricity Branch, Simla—Chairman;

- (2) the entries in the first and the second columns against item No. 3, shall be omitted;

- (3) items Nos. 4 to 8 shall be re-numbered as items Nos 3 to 7 respectively; and

(4) after item No. 7 as so re-numbered the following entries shall be inserted, namely:—

- "8. Shri H. S. Kulkarni, Deputy Chief Engineer, Central Water and Power Commission (Power Wing), Simla—Member.  
9. Shri D. V. Kohli, Staff Officer (E/M), Grade I, Engineer-in-Chief's Branch, Army Headquarters, New Delhi—Member".

[No. EL.II.213(4)II.]

H. C. GUPTA, Joint Secy.

## MINISTRY OF HEALTH

*New Delhi, the 27th January 1954*

**S.R.O. 400.**—In exercise of the powers conferred by sub-section (1) and (2) of section 14 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government, after consultation with the Medical Council of India, hereby directs that the following further amendment shall be made in the Second Schedule to the said Act, namely:—

In the said Schedule, after the entry relating to Pakistan, the following entry shall be inserted, namely:—

"Rajasthan

Rajputana University	M.B.B.S.	Bachelor of Medicine and Bachelor of Surgery.	M.B.B.S. (Rajputana). This will be a recognised medical qualification only when granted after the 1st September, 1953."
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[No. F.17-10/52-MI.]

*New Delhi, the 28th January 1954*

**S.R.O. 401.**—In exercise of the powers conferred by sub-sections (2) and (3) of section 11 of the Indian Medical Council Act, 1933 (XXVII of 1933), the Central Government, after consulting the Medical Council of India, hereby directs that the following further amendments shall be made in the First Schedule to the said Act, namely:

In the said Schedule after the entry relating to the Gauhati University, the following entries shall be inserted, namely:—

State Medical Faculty of West Bengal	Membership of the State Medical Faculty of West Bengal.	M.M.F. (West Bengal). This will be a recognised medical qualification only when granted after the 1st September, 1953.
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[No. F.17-10/52-MI.]

J. N. SAKSENA, Under Secy.

*New Delhi, the 28th January 1954*

**S.R.O. 402.**—The following draft of certain further amendments in the Drugs Rules, 1945, which it is proposed to make after consultation with the Drugs Technical Advisory Board, in exercise of the power conferred by sections 12 and 33 of the Drugs Act, 1940 (XXIII of 1940), is published as required by the said sections for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after the 13th May, 1954.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.



*Draft Amendments*

In the said Rules:—

(1) For the explanation to rule 30-A, the following explanation shall be substituted, namely:—

*“Explanation.*—For the purposes of this rule, “new drug” means a drug the composition of which is such that the drug is not generally recognised, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labelling thereof and includes any drug the composition of which is such that the drug, as a result of investigations for determining its safety for use under such conditions, is so recognised, but which has not, otherwise than during the course of such investigations, been used to any large extent or for any appreciable length of time under the said conditions.”

(2) after clause (d) of rule 74, the following clause shall be inserted, namely:—

“(e) (i) No ‘new drug’ shall be manufactured except under and in accordance with the permission in writing of the licensing authority; and

(ii) the manufacturer of a ‘new drug’, when applying for permission under sub-clause (i), shall produce before the licensing authority all documentary and other evidence relating to its standards of quality, purity and strength as they have been previously approved by the Central Government and such other information as may be required by the licensing authority including the results of therapeutic trials carried out with it.

*Explanation.*—In this rule “new drug” has the same meaning as in rule 30-A.”

(3) after clause (k) of rule 78, the following clause shall be inserted, namely:—

“(1) (i) No ‘new drug’ shall be manufactured except under and in accordance with the permission in writing of the licensing authority; and

(ii) the manufacturer of a ‘new drug’ when applying for permission under sub-clause (i), shall produce before the licensing authority all documentary and other evidence relating to its standards of quality, purity and strength as may have been previously approved by the Central Government and such other information as may be required by the licensing authority including the results of therapeutic trials carried out with it.

*Explanation.*—In this rule, “new drug” has the same meaning as in rule 30-A.”

[No. F.1-30/48-D.]

KRISHNA BIHARI, Under Secy.

## MINISTRY OF COMMUNICATIONS

### (Posts and Telegraphs)

*New Delhi, the 28th January 1954*

**S.R.O. 403.**—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government hereby directs that the following further amendments shall be made in the Indian Post Office Rules, 1933, namely:—

(i) After sub-rule (2) of rule 8 of the said Rules the following sub-rule shall be inserted, namely:—

“(3) The size of covers of letters other than in roll form shall not be less than 4 inches by 2½ inches”.

(ii) After sub-rule (2) of rule 20 of the said Rules the following sub-rule shall be inserted, namely:—

“(3) The size of covers used for book packets other than in roll form shall not be less than 4 inches by 2½ inches”.

(iii) After sub-rule (1) of rule 25 of the said Rules, the following shall be inserted as sub-rule (2) and the existing sub-rule (2) shall be re-numbered as sub-rule (3):—

“(2) The size of covers of pattern and sample packets other than in roll form shall not be less than 4 inches by 2½ inches”.

(iv) After item (d) of rule 28 of the said Rules the following item shall be inserted, namely:—

“(e) The size of covers of “blind literature” packets shall not be less than 4 inches by 2½ inches”.

[No. CN-16-28/52.]

V. M. BHIDE, Dy. Secy.

## MINISTRY OF TRANSPORT

(Transport Wing)

MERCHANT SHIPPING

*New Delhi, the 27th January 1954*

**S.R.O. 404.**—In pursuance of clause (a) of sub-section (1) of section 213B of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby declares that the Governments of Finland, of the Republic of Ireland and of Vietnam have accepted the Safety Convention as defined in clause (d) of section 213-A of the said Act, that is to say, the Convention for the Safety of Life at Sea, signed in London on the tenth day of June, nineteen hundred and fortyeight, as amended from time to time

[No. 46-MA(5)/53.]

MERCHANT SHIPPING

*New Delhi, the 29th January 1954*

**S.R.O. 405.**—In exercise of the powers conferred by section 21 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), the Central Government hereby directs that the following further amendment shall be made in the rules regulating the grant of certificates of competency to engineers (including motor engineers) published with the notification of the Government of India in the Ministry of Transport No. S.R.O. 240, dated the 9th February, 1952, namely:—

After clause (v) of rule 60 of the said rules, the following clause shall be added, namely:—

“(vi) B.Sc. Degree in Mechanical Engineering and B.Sc. Degree in Electrical Engineering of the College of Engineering, Hindu University, Banaras.”

[No. 104-MA(28)/52.]

S. K. GHOSH, Dy. Secy.

## MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

*New Delhi, the 30th January 1954*

**S.R.O. 406.**—In pursuance of Article 88 of the Articles of Association of National Research Development Corporation registered as a Limited Company under the Indian Companies Act (VII of 1913), the President has decided that the number of Directors of the Corporation for the time being should be seven.

Pursuant to Article 89(i) the President has appointed the following members of the Committee constituted for undertaking preliminary work in connection with the establishment of the National Research Development Corporation as the Directors of the said Corporation for a period of three years with effect from the 31st December 1953, namely:—

1. Shri Kasturbhai Lalbhai, Pankore's Naka, Ahmedabad.
2. Lala Shri Ram, 22, Curzon Road, New Delhi.
3. Shri P. A. Narielwala, Bombay House, Fort, Bombay.
4. Dr. V. A. Sarabhai, Physical Research Laboratory, Ahmedabad.
5. Shri M. D. Chaturvedi, Inspector General of Forests, New Delhi.

6 Dr. S S Bhatnagar, Director, Scientific and Industrial Research and Secretary, Ministry of Natural Resources and Scientific Research.

7 Shri M S Bhatnagar, Joint Secretary to the Government of India, Ministry of Finance

In accordance with Article 103 of the aforesaid Memorandum and Articles of Association, Shri Kasturbhai Lalbhai is appointed as Chairman of the Directors for a period of three years from the date indicated above.

[No 51(16)/54 SR I]

T GONSALVES, Dy Secy.

## MINISTRY OF REHABILITATION

*New Delhi, the 29th January 1954*

**S.R.O. 407.**—In exercise of the powers conferred by section 12 of the Displaced Persons (Claims) Supplementary Ordinance, 1954 (Ordinance No III of 1954), the Central Government hereby makes the following rules, namely—

### CHAPTER I

#### PRELIMINARY

1 **Short title.**—These rules may be called the Displaced Persons (Verification of Claims) Supplementary Rules, 1954

2 **Definitions.**—(1) In these rules—

- (i) “claimant” means a person whose claim has been registered under the principal Act, and includes a person who has migrated to India from any tribal area and has submitted a claim to any authority under the principal Act,
  - (ii) “form” means a form specified in the Schedule;
  - (iii) “legal practitioner” means an advocate, vakil or attorney of any High Court, or a pleader or a revenue agent and includes any person who has at any time practised before any Court,
  - (iv) “legal representative” means a person who in law represents the estate of a deceased claimant, or on whom such estate devolves on the death of the claimant,
  - (v) “the Ordinance” means the Displaced Persons (Claims) Supplementary Ordinance, 1954 (Ordinance No III of 1954);
  - (vi) “proceeding” means,
    - (a) the hearing of a claim under section 4 for the purpose of its verification, and
    - (b) the hearing of an application for revision under the proviso to sub-section (3) of section 4 or an application for special revision under section 5, or the initiation of any proceeding by the Chief Settlement Commissioner of his own motion under any of the aforesaid sections, and includes all steps taken under the ordinance or these rules in pursuance of such claim or application for revision or special revision, as the case may be,
  - (vii) “revising authority” means the Chief Settlement Commissioner and includes any officer to whom all or any of the functions of the Chief Settlement Commissioner may be delegated under sub-section (2) of section 10,
  - (viii) “Schedule” means a Schedule annexed to these rules, and
  - (ix) “Section” means a section of the Ordinance
- (2) All words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Ordinance or in the principal Act.

3 **Additional powers of the Chief Settlement Commissioner and other officer appointed under section 3.**—The Chief Settlement Commissioner, the Joint or Deputy Chief Settlement Commissioner and every Settlement Commissioner, Additional Settlement Commissioner and Settlement Officer, shall have the same

powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit in respect of the following matters, namely:—

- (a) ordering the substitution of the legal representative or legal representatives for a claimant in the event of the death of such claimant and the continuance of the proceeding;
- (b) ordering, with the consent of the claimants concerned, consolidation of proceedings in two or more cases in which the evidence adduced on behalf of the claimants may be similar and common questions of law and facts are involved;
- (c) correcting any clerical or arithmetical mistakes in any order or proceeding, or errors arising therein from any accidental slip or omission;
- (d) reviewing an order on any of the following grounds, namely:—
  - (i) the discovery of any new or important matter or evidence which after the exercise of due diligence was not within the knowledge of, or could not be produced by, the claimant at the time when the claim was verified; or
  - (ii) on account of some mistake or error apparent on the face of the record; or
  - (iii) for any other sufficient reason;
- (e) ordering the deposit of postal and other charges for the summoning of witnesses within a time to be specified in the order.

## CHAPTER II

### PROCEDURE FOR VERIFICATION

**4. Power of Chief Settlement Commissioner to transfer claims to Settlement Officer for verification.**—Subject to the provisions of rule 5, any claim transferred by the Chief Settlement Commissioner to a Settlement Officer, may be verified by such Settlement Officer:

Provided that the claim so transferred had remained unverified for reasons other than the default of the claimant, and that an application for its verification had been made before the appointed day.

**5. Classes of property in respect of which claims may be verified.**—The classes of property in respect of which claims may be verified under these rules shall be the same as under the principal Act and the rules made thereunder, that is to say—

- (1) any immovable property situated within an urban area in West Pakistan;
- (2) any immovable property in West Pakistan, which forms part of the assets of an industrial undertaking and is situated in any area other than an urban area;
- (3) any other immovable property in West Pakistan comprising of a building situated in any area other than an urban area:

Provided that where a claimant has been allotted any agricultural land in India and that

- (a) where the agricultural land so allotted exceeds four acres, the value of the building in respect of which the claim is made shall not, according to the present estimated cost of construction, be less than Rs. 20,000,
- (b) where the agricultural land so allotted does not exceed four acres, the value of the building in respect of which the claim is made, shall not, according to the present estimated cost of construction, be less than Rs. 10,000;

*Explanation I.*—In this rule, the expression “building” includes:—

- (a) any structure in the immediate vicinity of a building without which the building cannot be conveniently occupied or enjoyed;
- (b) any garden, ground, enclosure and out-houses, appurtenant to such building.

*Explanation II.*—For the purposes of this rule, a person shall be deemed to have been allotted any agricultural land in India if he is allotted such land in any manner whatsoever, whether on temporary or quasi-permanent basis.

- (4) any agricultural land in any part of West Pakistan, other than the province of West Punjab, owned by a claimant not being a person of Punjabi extraction, and in respect of which agricultural land, no allotment has been made under any scheme for the time being in force relating to the quasi-permanent allotment of lands in the State of Punjab and the Patiala and East Punjab States Union.

**Explanation.**—The expression “a person of Punjabi extraction” means a land-holder who or whose ancestor migrated in 1901 or at any time thereafter as a colonist from the Punjab to the province of the North West Frontier, Sind or Baluchistan or to any State adjacent to any of the aforesaid provinces acceding to the Dominion of Pakistan.

**6. Notice to claimants.**—At least fifteen days before the date of the hearing of a claim, the Settlement Officer shall cause to be sent to the claimant a notice in form ‘A’ informing him about the date of hearing.

**7. Appearance before Settlement Officer.**—Subject to the provisions of rule 21, a claimant may appear before a Settlement Officer either in person or through an agent duly authorised by him in writing to appear on his behalf:

Provided that where the claimant is a minor or other person under a disability, he may appear through a guardian or a next friend.

**8. Ex-parte determination of claims in the event of non-appearance of claimants.**—Where a claimant, after a notice under rule 6 has been duly served upon him, fails to appear either in person or through a duly authorised agent on the date of hearing, the Settlement Officer shall determine the claim *ex parte*:

Provided that the Settlement Officer may, on application made to him within sixty days of the *ex parte* order, reopen the case if he is satisfied that there was sufficient cause for non-appearance of the claimant on the date fixed for the hearing.

**9. Witnesses and assessors.**—(1) A party to any proceeding, who wants any witnesses to be summoned, shall file a list of witnesses with their complete addresses and shall also deposit a sum of money sufficient to cover the diet money and travelling expenses of the witnesses. A list in duplicate of documents which any witness is called upon to produce shall also be filed.

(2) Summons to witnesses shall issue in form ‘B’ and summons to assessors in form ‘C’ and all the provisions of order XVI of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be, apply to such summons.

(3) Witnesses and assessors who attend any proceeding shall be paid diet money and travelling allowances—

(a) in the case of witnesses, in accordance with the scale prescribed in this behalf for civil suits in the locality where the proceeding is being conducted;

(b) in the case of assessors, in accordance with the scale prescribed for assessors in a Sessions case by the High Court of the State where the proceeding is held.

**10. Persons abroad or in Armed Forces, etc.**—(1) A claimant serving in the Armed Forces or residing outside India may in lieu of appearing in a proceeding either personally or through an authorised agent make a statement on oath—

(a) in the case of a claimant serving in the Armed Forces, before the Commanding Officer of his Regiment;

(b) in the case of a person residing in a country outside India, before the representative of the Government of India in that country or an officer nominated by such representative for the purpose.

(2) The Commanding Officer or the representative of India or such nominated Officer, as the case may be, shall forward to the Settlement Officer conducting the proceeding, the Statements recorded, together with documents, if any, that may be produced by the claimant, and the depositions, of the claimant and the documents produced by him shall form a part of the record of the case, notwithstanding anything contained in rule 8.

**11. Public to have right of access at the hearing of claims.**—A Settlement Officer shall hold every proceeding under these rules in an open place to which the public may generally have access so far as the same can conveniently be done:

Provided that the Settlement Officer, may if he so thinks fit, order at any stage of the proceeding of any particular case, that the public generally or any particular person shall not have access to, or be, or remain in the room or building used by the Settlement Officer for the purpose of hearing the claim.

## CHAPTER III

## APPLICATION FOR REVISION

**12 Application for revision.**—(1) A claimant may within one month of the date of any order made by a Settlement Officer make an application for revision of that order to the Chief Settlement Commissioner

(2) Every such application for revision shall be accompanied by a copy of the order of the Settlement Officer against which it has been filed and shall set forth concisely and under distinct heads the grounds of objection to such order without any argument or narrative

(3) Every such application shall be accompanied by a treasury receipt or a crossed Indian Postal Order payable to the Chief Settlement Commissioner for a sum of one rupee

Provided that where the applicant resides outside India, the application may be accompanied by a receipt of the amount of fee granted by any officer authorised in this behalf by the representative of India in the country in which the applicant resides

**13 Presentation.**—An application for revision may be presented either in person or through an agent duly authorised in writing in this behalf by the applicant, or may be sent by registered post

**14 Registration of applications for revision.**—Every application for revision made under rule 12 and every case in which a revising authority *suo moto* exercises the power of revision conferred by the proviso to sub-section (3) of Section 4 shall be registered in a register to be maintained for the purpose in Form 'D'

**15 Hearing of application for revision.**—(1) The revising authority after sending for the record of the case, and if necessary, after giving the applicant an opportunity of being heard, may pass such order on the application as it thinks fit

(2) Where a Settlement Officer has disposed of a claim on a preliminary point of law or fact and the revising authority disagrees with the opinion of the Settlement Officer, the revising authority shall remand the case to the Settlement Officer with the direction that the claim may be decided on its merits

Provided that where the Settlement Officer who originally decided the case is not available, the revising authority may send the case to such other Settlement Officer as it may deem fit

(3) Where the order of the revising authority affects more than one claimants, the revising authority may vary the order of a Settlement Officer in the case of all such claimants

**16 Procedure to be followed in disposing of applications for revision.**—Subject to the provisions of rules in this Chapter, the provisions of rules in Chapter II shall, so far as may be, apply in relation to the disposal of applications for revision under this Chapter as they apply in relation to the disposal of claims under Chapter II

## CHAPTER IV

## SPECIAL POWER OF REVISION OF CLAIMS VERIFIED UNDER THE PRINCIPAL ACT

**17 Procedure to be followed by the Chief Settlement Commissioner in exercise of the special revisionary powers under section 5.**—Except as provided in rule 18, the provisions of rules in Chapters II and III shall, so far as may be, apply in relation to the disposal of applications for special revision under section 5, as they apply in relation to the disposal of applications for revision under Chapter III

**18 Special revision of verified claims under clause (b) of sub-section (1) of section 5.**—The Chief Settlement Commissioner may, while exercising the powers of special revision conferred on him by clause (b) of sub-section (1) of Section 5, call for the record of any verified claim and may pass any order in revision in respect of such verified claim in such manner as he thinks fit, if he is satisfied that such order should be passed on one or the other of the following grounds, namely —

(1) the discovery of any new matter or documentary evidence which after the exercise of due diligence was not within the knowledge of, or could not be produced by, the claimant at the time when the claim was verified; or

(ii) correction of any clerical or arithmetical mistake apparent on the face of the record, or

(iii) gross or material irregularity or disparity in the valuation of the claim,  
or

(iv) any other sufficient reason:

Provided that the Chief Settlement Commissioner shall not entertain or take into consideration any application or representation made to him under this rule by any claimant, if such application or representation is made after the expiry of thirty days from the commencement of these rules.

## CHAPTER V

### MISCELLANEOUS

**19. Service of Notice or Order.**—(1) Every notice or order under these rules shall be served upon the claimant by pre-paid registered post with an acknowledgment due, at the address mentioned in the claim file or at such other address as may be supplied by the claimant.

(2) Every notice or order sent as aforesaid, shall be deemed to have been served upon the person to whom it is addressed at the time when the letter containing the same would be delivered to him in the ordinary course of business.

**20. Certain provisions of the Limitation Act to apply.**—The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (IX of 1908), so far as may be, apply to every proceeding in respect of which no period of limitation is prescribed under these rules.

**21. Legal practitioner not to appear except with permission.**—No legal practitioner shall appear in any proceeding under these rules except with the permission of, and for the reasons to be recorded in writing by, the officer conducting the proceeding.

**22. Statement on oath.**—All statements made in any proceeding under these rules shall be on oath.

**23. Return of original documents.**—A Settlement Officer may on application made by a claimant return any original documents filed by the claimant if the claimant supplies at his own expense a true copy of such document made by any person under the direction of the Settlement Officer.

**24. Fees.**—(1) A fee of Re. -/8/- shall be levied\* for supplying to a claimant the first copy of a final order by a Settlement Officer.

(2) A fee of Re. 1 shall be levied for supplying to a claimant the first copy of a final order made by a revising authority if the application is made at or before the hearing.

(3) The following fee shall be levied, where applications for copies of orders passed under these rules are made in the office of the Chief Settlement Commissioner—

(a) one rupee for the first 200 words or any fraction thereof, and annas eight for every additional 100 words or any fraction thereof;

(b) an additional fee of Re. 1 for a copy, if it is urgently required;

(c) one rupee on account of a searching fee, if no index number or registration number of the order of which a copy is required is furnished in the application for a copy.

(4) All fees leviable under these rules shall be paid<sup>7</sup> in the form of an Indian Postal Order crossed in the name of the Chief Settlement Commissioner and attached to the application for a copy. —

**25. Returns and Statements.**—The Chief Settlement Commissioner, Joint Chief Settlement Commissioner, Settlement Commissioner or the Additional Settlement Commissioner, may, from time to time, call for such returns and statement from any Settlement Officer as he may deem fit.

**26. Provision of the Code of Civil Procedure to apply where no specific provisions are made in these rules.**—In so far as these rules make no provision or make insufficient provision, in respect of any matter the appropriate provision of the Code of Civil Procedure, 1908 (Act V of 1908) shall, so far as may be, apply to that matter in relation to any proceeding under the Ordinance or these rules.

SCHEDULE  
FORM A  
(See rule 6)

*By Registered Post/A.D.*

Notice to a claimant under Displaced Persons' (Claims) Supplementary Ordinance, 1954, to appear and prosecute the claim.

From \_\_\_\_\_

(Name)  
Settlement Officer

(Station)

To \_\_\_\_\_

(Name and Address of claimant)

Sir,

This is to inform you that your claim Reg. No. \_\_\_\_\_ registered at \_\_\_\_\_  
Index No. \_\_\_\_\_ (place)  
on \_\_\_\_\_ in respect of property \_\_\_\_\_ shall come up  
(date) (Description of property)  
for verification and valuation before me at \_\_\_\_\_ in \_\_\_\_\_ on \_\_\_\_\_.  
(address) (town) (date)

Please arrange to be present in person or through an agent authorised in writing.

You are required to produce or cause to be produced all documents or evidence available in respect of the said claim, on the said date and place.

If you wish to summon any witness, you may within two days of receipt of this notice make an application either in person or by post to my office giving a list of witnesses and lists in duplicate of documents that you require the witnesses to produce. The diet money and travelling expenses of these witnesses should be deposited in, or remitted to, my Office by Money Order.

Given under the hand and seal of my office, this \_\_\_\_\_th day of \_\_\_\_\_  
195 .

'Seal'

Full signature of the Settlement Officer.

SCHEDULE  
FORM B

[See rule 9(2)]

*By Registered Post/A.D.*

**Summons to Witnesses**

From \_\_\_\_\_

(Name)  
Settlement Officer

To \_\_\_\_\_

(Name and address of witness)

Sir,

Whereas your attendance is required \_\_\_\_\_ by \_\_\_\_\_  
you are required only to produce documents \_\_\_\_\_

(Name of claimant)  
in the matter of verification and valuation of claims, you are hereby required to appear before me\* and to bring with you the documents mentioned in the attached

\*produce of cause to be produced  
list on \_\_\_\_\_ forenoon. You are required to appear at \_\_\_\_\_ in \_\_\_\_\_.  
(date) (address) (town)

\*to be scored off, in case no document has been summoned from the witness.



A sum of Rs. \_\_\_\_\_ has been provisionally deposited by the claimant towards your subsistence allowance, travelling expenses and other charges. If you fail to comply with the order without lawful excuse, you will be liable to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office, this \_\_\_\_\_th day of \_\_\_\_\_ 195 .

'Seal'

(Signature)  
Settlement Officer.

SCHEDULE  
FORM C

[See rule 9(2)]

By Registered Post/A.D.

**Summons to Assessor**

From

\_\_\_\_\_  
(Settlement Officer)

\_\_\_\_\_  
(Station)

To

Reference claim Registration No. \_\_\_\_\_, Date of hearing \_\_\_\_\_  
Index No. \_\_\_\_\_

Sir,

For the purpose of assessing the correct value of the above claim filed by \_\_\_\_\_ in respect of property situated in \_\_\_\_\_  
(Name of claimant) (full description  
\_\_\_\_\_ you are hereby required to attend before me at \_\_\_\_\_  
of property) (Location and  
\_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
address) (Date) (time)

If you fail to comply with this order without lawful excuse, you will be liable to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under the hand and seal of my office, this \_\_\_\_\_th day of \_\_\_\_\_ 195 .

'Seal'

(Signature)  
Settlement Officer.

## SCHEDULE

## FORM D

(See rule 14)

## Register of Revisions

Date when application received or notice issued	S. No.	Index No.	Name & Address of applicant	Name of settlement officer who verified the claim	Date when file requisitioned from the office of the Chief Settlement Commissioner	Date when file received from the office of the Chief Settlement Commissioner	Amount claimed by applicant		Dates of hearing	Amount allowed in revision		Number and date of letter by which case returned to the office of the Chief Settlement Commissioner	Remarks
							A	B C D Total		A	B C D Total		
1	2	3	4	5	6	7	8		9	10		11	12

[No. 23(I) SB/54]

M. K. NARAYANAN, Dy. Secy.

**REGISTRAR JOINT STOCK COMPANIES***Madras, the 11th January, 1954***In the matter of the Indian Companies Act, 1913 and The Nava Bharat Publications Limited****NOTICE PURSUANT TO SECTION 247 (5)**

**S.R.O. 408.**—With reference to the notice, dated 18th September 1953 published on page 1250 of part II of the Fort St. George Gazette, dated 30th September 1953, the above company not having shown cause to the contrary within the time fixed the name of the company has under section 247(5) of the Indian Companies Act, 1913 been struck off the register.

*Madras, the 18th January, 1954***In the matter of the Indian Companies Act, 1913 and The Sahayanidhi (Thirumangalam) Limited****NOTICE PURSUANT TO SECTION 247 (3)**

**S.R.O. 409.**—Whereas communications addressed to The Sahayanidhi (Thirumangalam) Limited at its registered office in South Mudaliar Street, Tirumangalam, remains unanswered;

And whereas it appears accordingly that The Sahayanidhi (Thirumangalam) Limited is not carrying on business or is not in operation;

Notice is hereby given pursuant to Section 247(3) of the Indian Companies Act, 1913 that unless cause is shown to the contrary before the expiration of three months from the date of this notice the name of the company will be struck off the register and the said company will be dissolved.

*Madras, the 19th January, 1954***In the matter of the Indian Companies Act, 1913 and The Guruvilasam Bank Limited****NOTICE PURSUANT TO SECTION 247 (3)**

**S.R.O. 410.**—Whereas communications addressed to The Guruvilasam Bank Limited at its registered office in Shoranur, South Malabar, remain unanswered;

And whereas it appears accordingly that The Guruvilasam Bank Limited is not carrying on business or is not in operation;

Notice is hereby given pursuant to section 247(3) of the Indian Companies Act, 1913, that unless cause is shown to the contrary before the expiration of three months from the date of this notice, the name of the company will be struck off the register and the said company will be dissolved.

**K. GOPAUL,***for Registrar of Joint Companies, Madras.**Guntur, the 12th January 1954***DESTRUCTION OF RECORDS**

**S.R.O. 411.**—Notice is hereby given that pursuant to the Rules under the Destruction of records Act, 1917, the documents and correspondence relating to the undermentioned companies registered under the Indian Companies Act, 1913, which were dissolved five years previous to the date of publication of this notice [G.O. No. 1785 Home (Judicial), dated 22nd July 1920] will be destroyed after three months from the date of publication of this notice:

Name of company; date of registration; Act under which registered; objects of the company; situation of office last recorded; last managing agents known; date of dissolution;

(1) The Narasaraopet Oil Refineries, Ltd., 20th February 1946, Act VII of 1913; to carry on producing, refining and hardening vegetable oils; Sri R. L. Somayaji's upstairs. D. No. 20/547 Sudhapanam, Madras Bazaar, Guntur, V. V. Sastry & Co., Koritapad, Guntur, 15th June 1948 defunct.

(2) Andhra Karmagaram, Limited 26th January 1921; Act VII of 1913; to construct workshop etc., in the house of Nadimpalli V. L. Narasimharao, Kottapet, Guntur; 15th June 1948 defunct.

W. VENKATASWAMY,  
Asstt. Registrar of Joint Stock Companies, Guntur.

*Kakinada, the 14th January 1954*

**S.R.O. 412.**—Notice is hereby given pursuant to the rules framed under the Destruction of Records Act, 1917 (Act V of 1917), the Documents and correspondence relating to the undermentioned Companies registered under the Indian Companies Act, 1913, which were dissolved five years previous to the date of publication will be destroyed after three months from the date of publication of notice.

Serial No.	Name of the company the documents of which are proposed for destruction	Date of Registration	Act under which Registered	Objects of the Company	Situation of Registered Office	Last Managing Agent, if any	Date of dissolution with provision of the Act
1	East Godavari Cement Association Ltd.	5-7-1937	Act VII of 1913.	To organise sales of cement to the advantage of members.	Door No. 8/2227 Purvis St. Kakinada.	Nil.	27-1-48 Section 247
2	Bung Metal Industries Ltd.	27-9-1946.	Do.	To carry on business as manufacturers and general merchants.	No. 6/102 Gunduvuri Street, Rajahmundry.	Nil.	28-12-48. Section 247

Y. NARAYANAMURTY,  
Assistant Registrar.

*Tiruchirappalli, the 15th January 1954*

DESTRUCTION OF RECORDS

**S.R.O. 413.**—Notice is hereby given that pursuant to Rules framed under the Destruction of Records Act, 1917 (Act V of 1917), the documents and correspondence relating to the undermentioned companies registered under the Indian Companies Act, 1913 (Act VII of 1913), which were dissolved five years previous to the date of publication of this notice (Notification No. 668 Home—Judicial—dated 22nd July 1920) will be destroyed after three months from the date of publication of this notice:—

(i) Number and name of company the records and documents of which are proposed for destruction. (ii) Date of registration. (iii) Act under which registered. (iv) Object of the company. (v) Situation of office last recorded. (vi) Last Managing Agent. (vii) Date of dissolution under the Indian Companies Act 1913:—

(1) (i) 34 of 1946-47 Electricals and Equipment (Trichy) Limited. (ii) 17th October 1946. (iii) Act VII of 1913. (iv) Engineering. (v) No. 73 Agraharam Street Varaganeri, Trichinopoly. (vi) Sri T. V. Anantharaman. (vii) 10th August 1948.

(2) (i) 8 of 1941-42 Manachanallur Sri Krishna Rice Mills Limited. (ii) 16th October 1941. (iii) Act VII of 1913. (iv) Rice Mills. (v) 375 West Kavalkara Street, Manachanallur. (vi) A. S. M. Jaganathan, Managing Director. (vii) 23rd September 1948.

(3) (i) 4 of 1941-42 Ramachandra Vilas and Company Boiler and Rice Mill, Manachanallur. (ii) 2nd September 1941. (iii) Act VII of 1913. (iv) Rice Mills. (v) S. F. No. 19-A/1 Thuraiyur Road, Manachanallur, Lalgudi Taluk. (vi) P. N. Perumal Chettiar, Managing Director. (vii) 7th October 1948.

(4) (i) 25 of 1946-47. The Karur Ration Supply Union Stores Limited. (ii) 14th August 1946. (iii) Act VII of 1913. (iv) Trading. (v) 13-14 Bazaar Street Karur. (vi) A. S. Muhammed Yusuf, Managing Director. (vii) 21st December 1948

S. ALAGIRISWAMI CHETTIYAR,

Assistant Registrar of Joint Stock Companies.

Tellicherry, the 15th January 1954

# DESTRUCTION OF RECORDS

**S.R.O. 414.**—Notice is hereby given that pursuant to the rules framed under the Destruction of Records Act, 1917 (Act V of 1917) the documents and correspondence relating to the undermentioned Companies registered under the Indian Companies Act, 1913 (Act VII of 1913) which were dissolved five years previous to the date of publication of this notice [G.O. No. 1785, Home (Judicial) dated 22nd July 1920], will be destroyed after three months from the date of publication of this Notice.

Serial No.	The name of the Company the records and correspondence of which are proposed for destruction	Date of registration	Act under which registered	Objects of the Company	Situation of office last mentioned	Last Managing Agent, if known	Date of dissolution under sec. 247 (5) of the Indian Companies Act
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	The Malabar Agricultural, Commercial & Industrial Society Ltd.	29-3-40	Act VII of 1913.	Tea and other plantations, to cultivate, collect and sell all kinds of produce of Malabar and to manufacture goods etc.	Upstairs building, Panchayat Board No. 2122, Badagara.	Ayadathi Appukutty Nambiar, Managing Director.	1-6-48.
2	The Young Men's Electric Cinema Company Ltd.	24-2-34	Do.	To establish a cinema company and to make exhibitions.	Downstairs of the two storied building in Talapward of Cannanore Municipality.	P. K. Damodaran, Managing Director.	8-6-48.
3	The Star of India Industries and Match Company Ltd.	8-8-47.	Do.	To establish an up-to-date match factory and carry on the business of dealers and manufacturers in matches, splinters etc.	Building No. T.V. III, Fort Road, Cannanore.	Raja Trading Corporation, Cannanore, Managing Agents.	14-12-48.
4	The Tellicherry Trading Corporation Ltd.	14-12-46:	Do.	To carry on business and to act as promoters of Joint Stock Companies, merchants, traders, managing agents, etc.	Upstairs building Door Nos. 163-164, D. Ward, Tellicherry Municipality.	M. Kunhi Kanna Kurup, Managing Director.	14-12-48.

K. K. RAMAN,  
Assistant Registrar.

*Mangalore, the 16th January 1954*

**DESTRUCTION OF RECORDS**

**S.R.O. 415.**—Notice is hereby given that pursuant to the rules framed under the Destruction of Records Act, 1917 (Act V of 1917), the documents and correspondence relating to the undermentioned companies registered under the Indian Companies Act, 1913 (Act No. VII of 1913) which were dissolved five years previous to the date of publication of this notice [G. O. No. 1785 Home (Judicial) dated 22nd July 1920] will be destroyed after three months from the date of publication of this notice.

Number and name of company the documents of which are proposed for destruction; Date of Registration; Act under which Registered; Objects of the Company; Situation of office last recorded; Last managing agents if any and date of dissolution:—

(1) No. 5 of 1934-35; Mangalore Mills Limited; 21st December 1934; No. VII of 1913 (Indian Companies Act, 1913); To carry on the business of extracting oil from Copra, Cottonseed, Linseed, Castorseed, Groundnuts etc. etc.; T. S. No. 81-1 of 15th Ward, Light house hill, Mangalore; Manel Annappa Nayak, Mangalore Padmanabha Raghunath Pai and Ullal Srinivasa Mallya—Managing Directors; 1st September 1948.

(2) No. 8 of 1946-47; Ashwinikumar Oil Mills Limited; 15th May 1946; No. VII of 1913 (Indian Companies Act, 1913); To carry on the business of extracting oil from copra, cottonseed, castorseed, groundnuts etc. etc.; S. No. 112/5 and 6, Venkatramana Temple Road, Coondapoor South Kanara; Huyyar Hiriyanna Shetty—Managing Director; 28th December 1948.

(3) No. 14 of 1946-47; The Karnataka Textiles Limited; 14th June 1946; No. VII of 1913 (Indian Companies Act, 1913); To carry on the business of ginning, pressing, carding, spinning, weaving, manufacturing and/or dealing in cotton or other fibrous substances etc. etc.; T. S. No. 293, Ward No. XVI, Kadri Road, Mangalore Municipality, South Kanara; Sharpady Narsappaya; 28th December 1948.

K. S. RAO,

Assistant Registrar of Joint Stock Companies, South Kanara.

*Calcutta, the 16th January 1954*

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of East Indian Investment Corporation Ltd.**

**S.R.O. 416.**—Notice is hereby given in pursuance of section 172(2) of the Indian Companies Act, 1913 (VII of 1913) that the above named "East Indian Investment Corporation Ltd." has been ordered on the twentyfourth day of March one thousand nine hundred and fiftytwo by the Hon'ble High Court at Calcutta in West Bengal in its ordinary original civil jurisdiction to be wound up compulsorily and the Official Receiver of the High Court has been appointed Official Liquidator.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Roico Industries Ltd.**

**S.R.O. 417.**—Notice is hereby given in pursuance of section 172(2) of the Indian Companies Act, 1913 (VII of 1913) that the abovenamed "Roico Industries Ltd." has been ordered on the Twelfth day of April One thousand nine hundred and forty-nine by the Hon'ble High Court at Calcutta in West Bengal in its ordinary original civil jurisdiction to be wound up compulsorily and the Official Receiver of the High Court has been appointed Official Liquidator.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Midland Publicity Service (India) Ltd.**

**SECTION 247 (3)**

**S.R.O. 418.**—Notice is hereby given that, on the expiration of three months from date, the name of Midland Publicity Service (India) Ltd. of 14/2, Old Chinabazar Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Continental Industries Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 419.**—Notice is hereby given that, on the expiration of three months from date, the name of Continental Industries Co. Ltd. of 13/2, Roy Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.



**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Mahasakti Ousadhalaya Ltd.**

**SECTION 247 (3)**

**S.R.O. 420.**—Notice is hereby given that, on the expiration of three months from date, the name of Mahasakti Ousadhalaya Ltd., of 1-B, Old Post Office Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Publicity Syndicate Ltd.**

**SECTION 247 (3)**

**S.R.O. 421.**—Notice is hereby given that, on the expiration of three months from date, the name of Publicity Syndicate Ltd., of 118-B, Chittaranjan Avenue, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of S. K. Gupta & Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 422.**—Notice is hereby given that, on the expiration of three months from date, the name of S. K. Gupta & Co. Ltd., of 17, Mangoe Lane, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Silpi Sangha Ltd.**

**SECTION 247 (3)**

**S.R.O. 423.**—Notice is hereby given that, on the expiration of three months from date, the name of Silpi Sangha Ltd. of 112, Mechuabazar Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Continental Publicity Concern Ltd.**

**SECTION 247 (3)**

**S.R.O. 424.**—Notice is hereby given that, on the expiration of three months from date, the name of Continental Publicity Concern Ltd. of 5, Wellington Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Mica Concerns (India) Ltd.**

**SECTION 247 (3)**

**S.R.O. 425.**—Notice is hereby given that, on the expiration of three months from date, the name of Mica Concerns (India) Ltd. of 10 Gariahat Road, South, Calcutta-31, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Bharat Lakshmi Textiles Ltd.**

**SECTION 247 (3)**

**S.R.O. 426.**—Notice is hereby given that, on the expiration of three months from date, the name of Bharat Lakshmi Textiles Ltd. of 7, Swallow Lane, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Muslim Press & Publications Ltd.**

**SECTION 247 (3)**

**S.R.O. 427.**—Notice is hereby given that, on the expiration of three months from date, the name of Muslim Press & Publications Ltd. of 6, Waterloo Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Biswa Bharati Bank Ltd.**

**SECTION 247 (3)**

**S.R.O. 428.**—Notice is hereby given that, on the expiration of three months from date, the name of Biswa Bharati Bank Ltd. of 236, Bowbazar Street, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Calcutta Salt Works Ltd.**

**SECTION 247 (3)**

**S.R.O. 429.**—Notice is hereby given that, on the expiration of three months from date, the name of Calcutta Salt Works Ltd. of 29/6, Giri Babu Lane, Calcutta, will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of International Commercial Syndicate Ltd.**

**SECTION 247 (3)**

**S.R.O. 430.**—Notice is hereby given that, on the expiration of three months from date, the name of International Commercial Syndicate Ltd. of 3, Tara Chand Dutt Street, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Standard Biscuit Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 431.**—Notice is hereby given that, on the expiration of three months from date, the name of Standard Biscuit Co. Ltd. of 35, Chittaranjan Avenue, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Suburban Commercial Bank Ltd.**

**SECTION 247 (3)**

**S.R.O. 432.**—Notice is hereby given that, on the expiration of three months from date, the name of Suburban Commercial Bank Ltd. of Kankinara, 24-Parganas will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Hindusthan Stores & Industries Ltd.**

**SECTION 247 (3)**

**S.R.O. 433.**—Notice is hereby given that, on the expiration of three months from date, the name of Hindusthan Stores & Industries Ltd. of 117, Kalighat Road, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of A. B. M. Ltd.**

**SECTION 247 (3)**

**S.R.O. 434.**—Notice is hereby given that, on the expiration of three months from date, the name of A. B. M. Ltd. of 3-D, Ramnarain Motilall Lane, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Brite & Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 435.**—Notice is hereby given that, on the expiration of three months from date, the name of Brite & Co. Ltd. of 12, Dalhousie Square, East, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Padma Hosiery Mills Ltd.**

**SECTION 247 (3)**

**S.R.O. 436.**—Notice is hereby given that, on the expiration of three months from date, the name of Padma Hosiery Mills Ltd. of 102-B, Clive Street, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Globe Pharmaceutical Laboratory Ltd.**

**SECTION 247 (3)**

**S.R.O. 437.**—Notice is hereby given that, on the expiration of three months from date, the name of Globe Pharmaceutical Laboratory Ltd. of 6, Commercial Buildings, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Roy Agencies Ltd.**

**SECTION 247 (3)**

**S.R.O. 438.**—Notice is hereby given that, on the expiration of three months from date, the name of Roy Agencies Ltd. of 6, Chowringhee Road, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of East Chasnalla Coal Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 439.**—Notice is hereby given that, on the expiration of three months from date, the name of East Chasnalla Coal Co. Ltd. of 135, Canning Street, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Paper Industries Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 440.**—Notice is hereby given that, on the expiration of three months from date, the name of Paper Industries Co. Ltd. of 14, Hare Street, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Promoters & Agents Ltd.**

**SECTION 247 (3)**

**S.R.O. 441.**—Notice is hereby given that, on the expiration of three months from date, the name of Promoters & Agents Ltd. of 5, Hastings Street, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Hindusthan Paper & Board Mills Ltd.**

**SECTION 247 (3)**

**S.R.O. 442.**—Notice is hereby given that, on the expiration of three months from date, the name of Hindusthan Paper & Board Mills Ltd. of P-36, Mission Row Extension, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Bengal Grob Tea Co. Ltd.**

**SECTION 247 (3)**

**S.R.O. 443.**—Notice is hereby given that, on the expiration of three months from date, the name of Bengal Grob Tea Co. Ltd. of 64/1, Garpar Road, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Mineral & Forest Products Ltd.**

**SECTION 247 (3)**

**S.R.O. 444.**—Notice is hereby given that, on the expiration of three months from date, the name of Mineral & Forest Products Ltd. of 34-A, Bhupendra Nath Avenue, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Electrical Works of the East Ltd.**

**SECTION 247 (3)**

**S.R.O. 445.**—Notice is hereby given that, on the expiration of three months from date, the name of Electrical Works of the East Ltd. of 108, Vivekananda Road, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and in the matter of Butsons Ltd.**

**SECTION 247 (3)**

**S.R.O. 446.**—Notice is hereby given that, on the expiration of three months from date, the name of Butsons Ltd. of 31/1, Tiljala Road, Park Circus, Calcutta will, unless cause is shown to the contrary, be struck off the Register, and the company will be dissolved.

B. P. ROY,

Registrar of Companies, West Bengal.

*Rajkot, the 18th January, 1954*

**S.R.O. 447.**—Whereas the Company registered under the name of "Messrs. Guideways (Nawanagar) Ltd." states that it has not functioned at all since the date of incorporation and requests to treat as defunct;

Notice is hereby given that on the expiration of three months from date, the name of "Messrs. Guideways (Nawanagar) Ltd." will unless cause is shown to the contrary, be struck off the Register and the company will be dissolved.

[No. RC/111/48.]

V. V. BAXI,

Registrar of Companies, State of Saurashtra, Rajkot.

*Sambalpur, the 21st January, 1954*

**In the matter of the Indian Companies Act, 1913 and Mayurbhanj Bus Service Limited.**

PURSUANT TO SECTION 247 (3)

**S.R.O. 448.**—Whereas communications addressed to the Mayurbhanj Bus Service Limited in this office Notices Nos. 357 and 581, dated 17th June 1953 and 6th September, 1953 at its registered office Baripada (Lal Bazar), P.O. Baripada in the District of Mayurbhanj are returned by the Post office undelivered.

And whereas it appears accordingly that the Mayurbhanj Bus Service Limited is not carrying on business or is not in operation;

Notice is hereby given pursuant to Sub-section (3) of Section 247 of the Indian Companies Act, 1913, that unless cause is shown to the contrary before expiration of three months from the date of this notice, the name of the said Company will be struck off the register and the said company will be dissolved.

[No. 108.]

*Sambalpur, the 25th January, 1954*

**In the matter of the Indian Companies Act, VII of 1913 and Griha Nirman Limited.**

**S.R.O. 449.**—Steps having been taken under sub-sections (1) and (3) of section 247 of the Indian Companies Act, 1913 and the company having expressed a desire that its name should be struck off as it has ceased functioning, the Griha Nirman Limited is struck off the Register under section 247(5) of the said Act under orders of the Registrar of Joint Stock Companies, Orissa the 18th day of January, 1954.

[No. 138-JSC.]

*Sambalpur, the 27th January, 1954*

**In the matter of the Indian Companies Act, 1913 (VII of 1913) and India Food and Fertiliser Limited**

**S.R.O. 450.**—Steps having been taken under sub-sections (1) and (3) of Section 247 of the Indian Companies Act, 1913 and the Company having furnished explanations which were considered unsatisfactory; the India Food and Fertiliser Limited, is struck off the Register under Section 247(5) of the said Act under orders of the Registrar of Joint Stock Companies, Orissa, dated the 22nd of January 1954.

[No. 141/74/53/J.S.C.]

S. N. MISRA,

Assistant Registrar of Joint Stock Companies, Orissa, Sambalpur.

*Lucknow, the 22nd January 1954*

**S.R.O. 451.**—In pursuance of Section 172(2) of the Indian Companies Act. (VII of 1913) notice is hereby given that the Sukh Sancharak Co. Ltd. with its registered office at Mathura, has been brought under liquidation by order passed by the Hon'ble High Court of Judicature at Allahabad on 4th September 1953.

S. B. BANERJI,

Registrar, Joint Stock Companies, U.P.

*Salem the 24th January 1954*

LIST OF RECORDS PROPOSED FOR DESTRUCTION IN THE OFFICE OF THE ASSISTANT REGISTRAR OF JOINT STOCK COMPANIES SALEM.

**S. R. O. 452.**—Notice is hereby given that pursuant to the Rules under the destruction of Records Act, 1917, the documents and correspondence relating to the undermentioned Companies registered under the Indian Companies Act, 1913 which were dissolved 5 years prior to the

date of publication of this notice G. O. No. 1785 Home (Judicial) dated 22nd July, 1920 will be destroyed after 3 months from the date of publication of this notice.

Serial number and name of Company	Date of registration	Act under which registered	Object of the Company	Situation of office last recorded	Last Managing Agents (if known)	Date of entry in the register treating the company defunct
I. 11 of 1938-39 The Pennagaram Saraswatti Motor Service Ltd.	15-2-39	Act VII of 1913	Transit and transport (c) Motor- traction Dealing and Manufacturing.	97. Karkala Street of Pennagaram Salem (Dt.)	P.K.Munu- swami Mudahar Managing Director.	26-10-1948

A. J. AZARIAH,  
Assistant Registrar.

*Pudukkottai, the 25th January 1954*

**In the matter of the Indian Companies Act, 1913 and Prakash Savings Fund Limited**

PURSUANT TO SECTION 247(5)

**S.R.O. 453.**—With reference to the notice, dated 18th September 1953 published on page 1251 of Part II of the Fort Saint George Gazette, dated 30th September 1953, the above company not having shown cause to the contrary within the time fixed, the name of the company has, under section 247(5) of the Indian Companies Act, 1913, been struck off the register.

S. SUBRAMANIA PILLAI,  
Assistant Registrar of Joint Stock Companies, Pudukkottai.

*Imphal, the 25th January 1954*

**In the matter of the Indian Companies Act, 1913 in the matter of the Popular Metal Mart Ltd., Maxwell Bazar**

**S.R.O. 454.**—As no answer has been received to my notice sent to the above mentioned company under my Memo No. 20/JS/II/52/145, dated 15th December 1953, I do hereby give notice pursuant to section 247(3) of the Indian Companies Act, 1913 that at the expiration of three months from the receipt of this notice, the name of the Popular Metal Mart Ltd., will unless cause be shown to the contrary, be struck off the register of companies and that this company will be dissolved on the ground that it is not carrying on any business or is not in operation.

H. B. SINGH,  
Registrar, Joint Stock Companies, Manipur.

*Patna, the 26th January 1954*

**In the matter of the Indian Companies Act VII of 1913, and Vaishali Films Corporation Ltd.**

**S.R.O. 455.**—Whereas in pursuance of the provisions of section 247(1) and (2) of the Indian Companies Act, letters were issued to the Vaishali Films Corporation Ltd. Muzaffarpur, a company duly registered and incorporated under the Indian Companies Act, 1913 but in reply thereto the Managing Director of the Company has requested that the name of the company may be struck off the register as it

is not functioning and doing any business since its incorporation. I do hereby give notice under section 247(3) of the Indian Companies Act, 1913 that the name of the company will be struck off the register at the expiration of three months from the date of this notice unless the company shows cause to the contrary.

S. P. SINHA,

Registrar, Joint Stock Companies, Patna.

*Palayamkottai, the 27th January 1954*

#### DESTRUCTION OF RECORDS

**S.R.O. 456.**—Notice is hereby given pursuant to the rules framed under the Destruction of Records Act, 1917 (Act V of 1917), that the documents and correspondence relating to the undermentioned companies registered under the Indian Companies Act, 1913 (Act VII of 1913), which were dissolved five years previous to the date of publication of this notice (G.O. No. 1785, Home, Judicial, dated the 22nd July 1920) will be destroyed after three months from the date of publication of this notice.

Number and name of the company, the records and documents of which are proposed for destruction, date of registration, Act under which registered, objects of the company, situation of the office last recorded, last managing agents and date of dissolution:—

(1) No. 6 of 1933-34, The Tuticorin Banking and General Assurance Company Limited, 15th February 1934, Act VII of 1913. To transact all or any kinds of insurance, guarantee or indemnity business within the limits of the Provident Insurance Societies Act 1912. No. 2-A, Victoria Street, Tuticorin, Sri A. S. Nataraja Nadar and Sri T. R. M. Thirunavukkarasu, Managing Directors, 19th March 1948.

(2) No. 3 of 1929-30. The Kooturavoo Sagaya Nidhi Limited, 28th November 1929, Act VII of 1913, Establishment and formation of a Provident or Benefit fund, No. 34-B, Main Road, Adaikalapuram, Palayamkottai, Sri P. C. Punnaivananatha Mudaliar, Secretary, 17th August 1948.

M. SYED KADIR,

Assistant Registrar of Joint Stock Companies, Palayamkottai.

#### MINISTRY OF LABOUR

*New Delhi, the 27th January 1954*

**S.R.O. 457.**—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948), the Central Government hereby directs that the following further amendments shall be made in the Bombay Dock Workers (Regulation of Employment) Scheme, 1951, the same having been previously published as required by the said sub-section, namely:—

#### *Amendment*

For clause 22 of the said Scheme the following clause shall be substituted, namely:—

**"22. Filling up of Casual Vacancies.**—Casual vacancies in the Monthly and Reserve Pool Gangs will be filled up in the following manner:—

- (a) When a tindal is absent, the vacancy will be filled by a tindal on attendance allowance. If no tindal is on attendance allowance, the seniormost senior worker in the same gang available for work will work as a tindal.
- (b) Vacancies of senior and junior stevedor workers will be filled by registered senior and junior workers respectively on attendance allowance. If no senior worker is on attendance allowance, the seniormost junior worker of the same gang available for work will work as a senior worker. When all the senior and junior workers on the reserve pool register on attendance allowance have been employed, junior workers registered for filling up casual vacancies will be employed.

(c) In filling up vacancies otherwise than by promotion in the same gang, the principle of rotation will be followed:

Provided that where work is carried on by a gang, the allotment of workers by rotation shall be by gangs."

[No. Fac.73(55).]

S. NEELAKANTAM, Dy. Secy.

*New Delhi, the 1st February 1954*

**S.R.O. 458.**—In exercise of the powers conferred by section 7 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (XLVI of 1948), the Central Government hereby directs that the following amendments shall be made in the Hyderabad Coal Mines Bonus Scheme published with the notification of the Government of India in the Ministry of Labour No. S.R.O. 1705, dated the 4th October, 1952, namely:—

In the said Scheme:—

(1) in clause (c) of the "Exception" to paragraph 3, after the word "contractor", the words "for the purposes of constructing a building, laying bricks or tiles, supplying timber, doing any timber work or other work of a seasonal nature" shall be inserted;

(2) after clause 4, the following "Exception" shall be inserted, namely:—

"Exception.—A Coal cutter, a filler, a member of a Drilling and Dressing team on hand held electric and compressed air drills employed in the collieries owned by the Singareni Collieries Company, Limited to which this Scheme applies shall be entitled to a bonus from his employer in respect of his attendance during any quarter provided that he has worked at the coal mine during that quarter for not less than fifty two days".

[No. PF.3(17)/52.]

**S.R.O. 459.**—In exercise of the powers conferred by sub-section (I) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952) and in continuation of the Notification of the Government of India in the Ministry of Labour No. P.F. 516(20), dated 9th July, 1952, the Central Government, hereby appoints with effect from the 1st day of October 1953, Shri A. M. Saverinathan, Regional Provident Fund Commissioner, Madras, in addition to his own duties to be an Inspector for the whole of the States of Andhra and Madras for the purposes of the said Act, and of any Scheme made thereunder, in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oil field.

[No. PF-516(20).]

**S.R.O. 460.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (XIX of 1952), and in continuation of the notification of the Government of India in the Ministry of Labour No. PF-516(12), dated the 16th March, 1953, the Central Government hereby appoints with effect from the 1st day of October, 1953, Shri V. C. Chathu Menon, Provident Fund Inspector, Madras, to be an Inspector for the regions in the States of Madras and Andhra specified in Parts A and B respectively of the Schedule hereunder for the purposes of the said Act and of any Scheme made thereunder in relation to factories engaged in a controlled industry or in an industry connected with a mine or an oil field.

## SCHEDULE

### PART A

#### *State of Madras*

1. Madras City,
2. Chingleput District,
3. North Arcot District.

## PART B

*State of Andhra*

1. Srikakulam District,
2. Visakhapatnam District,
3. East Godavari District,
4. West Godavari District,
5. Guntur District,
6. Krishna District,
7. Nellore District,
8. Bellary District,
9. Chittoor District,
10. Anantapur District,
11. Cuddapah District,
12. Kurnool District.

[No. PF-516(12).]

N. M. PATNAIK, Dy. Secy.

*New Delhi, the 2nd February 1954*

**S.R.O. 461.**—The following corrigendum of the Industrial Tribunal, Bombay, made under rule 23 of the Industrial Disputes (Central) Rules, 1947, correcting certain clerical errors in its award published in the Notification of the Government of India in the Ministry of Labour No. S.R.O. 328, dated the 16th January, 1954, in the industrial dispute between the British India Steam Navigation Company, Ltd., Bombay, and their workmen, is published.

BEFORE MR. S. H. NAIK, INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE (IT-CG) No. 4 OF 1952

## ADJUDICATION

## BETWEEN

The British India Steam Navigation Company, Limited, Bombay,

## AND

Their workmen.

In the matter of Bonus, Pension and reinstatement of certain workmen.

## CORRIGENDUM

In the Award given on 31st December 1953 in Reference (IT-CG) No. 4 of 1952, the following corrections should be made:—

- (i) In paragraph 11 of the Award, in the sentence beginning with "The Union submits that the action of the Company.....", for the word 'dismission' read 'dismissing'.
- (ii) After paragraph 28, for the words and figure, 'Demand No. 3', read 'Demand No. 2'.

By Order,

*Bombay, the 25th January, 1954.*(Sd.) S. R. ADWALPALKAR,  
for Secretary, Industrial Tribunal, Bombay.

[No. LR.3(176).]

**S.R.O. 462.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Bula and four others, workmen of Jamadoba Colliery.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 37 OF 1952

(arising out of Reference No. 34 of 1951 and Reference No. 6 of 1952).

In the matter of an application U/s 33A of Industrial Disputes Act 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B., *Chairman.*



## PARTIES:

1. Bula Coolie.
2. Kishori, Hammerman.
3. Pardeshi, Coolie.
4. Munawar, Coolie.
5. Dhanraj, Coolie—All workmen of Tata's Central Workshop, Jamadoba, P.O. Jealgora, Manbhum, Bihar—*Complainants*.

Vs.

The management of Tata Iron & Steel Co. Ltd., Jamadoba, Jealgora, P.O. Banbhum, Bihar—*Opposite Party*.

## APPEARANCES:

Shri B. N. Sharma, General Secretary, Tata's Collieries Labour Association, Jamadoba, P.O. Jealgora, Manbhum, Bihar—*For the Complainants*.

Shri S. S. Mukherjee, B.Sc., B.L., Pleader, Dhanbad.

AND

Shri D. Narsingh, Chief Personnel Officer, M/s. Tata Iron & Steel Co. Ltd., P.O. Jealgora, Manbhum, Bihar—*For the Opposite Party*.

## AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The facts leading to this complaint are as under:—

The five complainants were working in the Jamadoba colliery of the opposite party. The management alleged that on 9th May 1952 they quarrelled with the Headman Baijnath and assaulted him while he was on duty. They were thereupon served with a charge sheet on the very day and were suspended from work pending final decision of the charge-sheet. The complainants filed the present complaint on 5th June 1952 alleging that the opposite party had contravened the provisions of Section 33 of the Industrial Disputes Act by suspending them for a period of more than 10 days without obtaining the permission of this Tribunal even though Reference No. 34 of 1951 and Reference No. 6 of 1952 were pending before this Tribunal.

3. The opposite party urged that the application was not maintainable, as it had not violated the provisions of Section 33 of the Industrial Disputes Act, in that it had not committed a breach of either clause (a) or clause (b) of that section. It was alleged that the complainants had quarrelled with the Headman while on duty and charge sheets were therefore served on them and they were suspended pending investigation and final decision by the opposite party. It was further alleged that the opposite party held an enquiry and found that the complainants Nos. 1 to 4 were guilty of serious misconduct and decided to dismiss them and thereupon filed application No. 42 of 1952 before this Tribunal for permission to dismiss them. The opposite party was not satisfied about the guilt of complainant No. 5 and he was allowed to join his duties.

4. At the hearing before me, Mr. Sharma on behalf of the complainants stated that complainant No. 5 had been reinstated in service and was working with the opposite party. He further stated that complainant No. 2 was dead and that complainant No. 1 had left the place of his own accord and his whereabouts are not known. He therefore did not press the cases of complainants 1, 2 and 5. In other words, the complaint survives only for complainants 3 and 4 and the term complainants hereafter would mean only complainants 3 and 4.

5. As I said above, it is not in dispute that the complainants were in the service of the opposite party. On 9th May 1952, they are alleged to have quarrelled with and assaulted their Headman. They were served with a charge sheet on the very day and were also immediately suspended pending final decision on the charge sheet. On 5th June 1952, the complainants filed the present complaint. Thereafter on 17th June 1952 the management filed Application No. 42 of 1952 for permission to dismiss the complainants under Section 33 of the Industrial Disputes Act. This application (namely application No. 42 of 1952) has since been disposed of, as it did not survive after the awards that were passed in References 34 of 1951 and 6 of 1952 became enforceable.

6. It is an admitted fact that the complainants were suspended on 9th May 1952 and that on that date Reference Nos. 34 of 1951 and No. 6 of 1952 were pending before this Tribunal. It is also an admitted fact that the opposite party and their workmen were parties to these references. It is however contended by the opposite party that they had not committed a breach of Section 33 by suspending

the present complainants and hence the present complaint would not be maintainable under Section 33A of the Industrial Disputes Act. It was said in this connection that the management had not contravened either clause (a) or clause (b) of Section 33; because they had not discharged or punished the complainants nor had they altered the conditions of service applicable to them.

7. The argument of the opposite party is that they had not contravened either clause (a) or clause (b) of Section 33. They urge that they had not altered the conditions of service of the complainants and hence there was no breach of clause (a) and they had also not discharged or punished the complainants and hence there was no breach of clause (b) of that section. They therefore urge that the present complaint under Section 33A would not be maintainable.

8. Section 33 of the Industrial Disputes Act provides *inter alia* that during the pendency of any proceedings before a Tribunal in respect of any industrial disputes, no employer shall—

(a) alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(b) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute,

save with the express permission in writing of the Tribunal. Admittedly, proceedings were pending before this Tribunal on the relevant date and it is also an admitted fact that the employer had not obtained the express permission in writing from the Tribunal. The question therefore is whether the employer had committed a breach of either clause (a) or clause (b) referred to above.

9. Taking up clause (b) first, it requires that the employer should not discharge or punish any workman. Admittedly, the complainants have not been discharged. They have only been suspended. The question then is whether they have been punished. Punishment pre-supposes some action taken against a person after it is held that they have been guilty of particular misconduct. In other words, it means that the guilt of that person has been proved. There cannot be a punishment unless the guilt is proved. In the present case, at the time when the complainants were suspended on 9th May 1952, they were only served with a charge sheet and they were suspended pending final decision of the management on the charge sheet. That would mean that at that time the management had not taken any final decision. They had not decided whether the guilt was proved or not nor had they decided as to whether the complainants should be punished nor was a decision taken as to the quantum of punishment. The suspension therefore could not mean that they were punished. This would mean that there was no breach of clause (b) of Section 33 by suspension of the complainants.

10. The next question is as to whether there has been a breach of clause (a). That clause lays down that the employer should not alter the conditions of service of a workman to his prejudice. The complainants urge that they have been suspended without pay from 9th May 1952 and have not been paid anything thereafter and thereby there has been a breach of the conditions of their service. In this connection, they rely on Rule 27 of the standing orders of the opposite party. That Rule provides "any employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct, provided that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed ten days." The rule then lays down as to what shall denote misconduct. The complainants urge that the opposite party by suspending them for more than 10 days has committed a breach of this rule and thereby changed the service conditions to their prejudice.

11. The management, on the other hand, urge that by suspending the complainants they have not changed their service conditions; because mere suspension did not necessarily mean that the complainants would not get any pay for the period of suspension. It would depend on the ultimate decision of the management as to whether the charge levelled against the complainants was proved. If the charge was not proved, the complainants would get their full pay for the period of suspension, and hence until and unless the management took final action in the matter, it could not be said that the complainants were deprived of their pay and hence it could not also be said that they had altered their service conditions. In this connection, reliance was placed on the cases of Clive Jute Mills, 1951, Vol. II, L.L.J. p. 344 and Champdany Jute Mills, 1952, Vol. I, L.L.J. p. 554. Clive Jute Mills case was a case of lock-out and the Appellate Tribunal held that by declaring a lock-out, the management had not contravened either clause (a) or clause (b) of section 33 of the Industrial Disputes Act. It held that a lock-out did not amount to discharge nor did it amount to punishment because punishment

pre-supposes an offence or a misconduct. It was further held that there was no breach of clause (a), because the question of giving pay to the workmen was not decided at the time of the lock-out. This question would depend on a variety of considerations and would be decided at a later stage. Hence at the time when the lock-out was declared, it could not be said with certainty that the management had contravened clause (a) of Section 33. On the same lines, it was argued that in the case of a suspension, it could not be said with certainty that the complainants would necessarily lose their pay for the period of suspension, because it would depend on the ultimate result of the enquiry. In the case of Champdany Jute Mills, it was a case of suspension without wages or subsistence allowance. It was held that the act of suspension did not follow any authoritative finding to the effect that an offence or a misconduct had been committed and there was no existing law or rule which imposed on the employers any duty of paying wages or any subsistence allowance during the period of suspension by way of a security measure. It was further held that if there had been any such rule in the standing orders, non-payment of wages or subsistence allowance during the period of suspension pending enquiry, might have amounted to a contravention of Section 33, clause (a), of the Act.

12. The above cases would not apply to the facts of the present case. As I pointed out above, the standing orders in the present case provide that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed 10 days. Provisions of this rule are clear and mandatory. They specifically lay down that the period of suspension without pay should not in any case exceed ten days.

13. It is true that rule 28 of the standing orders provides that during the period when enquiries are being made regarding alleged misconduct, the employee concerned shall be suspended. Reading this rule with Rule 27 above referred to, it would mean that the standing orders require that all enquiries into the cases of misconduct should be held and decided expeditiously. They ordinarily expect that all enquiries should be completed within 10 days. If however for certain reasons an enquiry cannot be completed earlier and if the employer thinks it undesirable to allow the workmen concerned to work, the proper course would be to keep the workmen under suspension but with pay. Rule 27 prohibits suspension for a period exceeding 10 days if it is without pay. It does not prohibit suspension for more than 10 days if it is with pay. Rule 27 does not mention as to whether the suspension should be with or without pay. Reading the rules together, therefore, it means that ordinarily the enquiry should be completed within 10 days, so that a workman would not lose his pay for more than 10 days. If the result of his enquiry is in his favour, he would be continued in service and would also get his pay for the period of suspension. If, on the other hand, the management held him guilty and decided to dismiss him the utmost that he would lose would be the pay for the period of 10 days. The standing orders do not contemplate that a workman should have a sword hanging on him for an indefinite period and that during that period, he should also not get his pay. Rule 27 specifically mentions that the suspension, even if it is pending an enquiry, should not exceed 10 days.

14. It may be noted that in this case the management do not appear to have taken prompt action. The complainants were suspended on 9th May 1952 and it was not till more than a month thereafter (on 17th June 1952) that an application was made to this Tribunal for permission to dismiss the complainants. This is not a case where the management approached the Tribunal within ten days of the suspension and asked for permission to dismiss the workmen. This is a case whether for over a month, the management did not approach the Tribunal for permission to dismiss the complainants. They thus clearly contravened Rule 27 of the standing orders, under which the complainants could not be suspended without pay for a period exceeding 10 days. After the period of ten days, they were entitled to obtain their wages. By not giving them any wages after the period of 10 days, the opposite party contravened Rule 27 of the standing orders and thereby changed the conditions of complainants' service to their prejudice. That being so, there has been a clear breach of Section 33(a) of the Industrial Disputes Act; and the present complaint is maintainable.

15. The result is that after a period of 10 days from the date of suspension i.e. after 19th May 1952, the complainants were entitled to receive their pay; that is, though the suspension may continue, it could not be a suspension without pay, but could be a suspension with pay. The complainants No. 3 and 4, i.e. Pardeshi and

Munawar are therefore entitled to their pay including dearness allowance and other benefits from 20th May 1952. I pass my award accordingly.

*The 14th January, 1954.*

(Sd.) L. P. DAVE, *Chairman,*  
Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365).]

**S.R.O. 463.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ragho Singh, a workman of Loyabad Colliery.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION No. 332 of 1953

(arising out of Reference No. 6 of 1952)

In the matter of application U/S 33A of Industrial Disputes Act 1947

PRESENT:

Shri L. P. Dave, B.A., LL.B.,—*Chairman.*

PARTIES:

Ragho Singh, Surface Trammer, No. 6 pit, Loyabad Colliery, P.O. Bansjora, Dist. Manbhum.—*Complainant.*

*Vs.*

Messrs. Burrakur Coal Co. Ltd., Loyabad Colliery, P.O. Bansjora, Dist. Manbhum, Bihar.—*Opposite party.*

APPEARANCES:

Shri Lalit Burman, General Secretary, Loyabad Labour Union, P.O. Bansjora, Dist. Manbhum.—*For the Complainant.*

Shri D. N. Gupta, Chief Personnel Officer, M/s. Bird & Co. Ltd., P.O. Sijua, Dist. Manbhum,

AND

Mr. M. B. Hare, Manager, Loyabad Colliery, P.O. Bansjora, Dist. Manbhum.—*For the Opposite party.*

#### AWARD

This is a complaint under Section 33A of the Industrial Disputes Act.

2. The complainant alleges that he was working as a trammer in the Loyabad Colliery belonging to the opposite party. On 14th June 1953 he was assaulted by some gangsters, as a result of which he had to be admitted in the Civil Hospital, Dhanbad. He was discharged therefrom on 20th June 1953. He approached the manager of the colliery on 22nd June 1953 asking for permission to resume duty but the manager refused to allow him to do his work. The opposite party has not served on the complainant any charge sheet or notice. The opposite party has thus contravened Section 33 of the Industrial Disputes Act and hence the present complaint.

3. The management contended by their written statement Exhibit 3 that they have not contravened Section 33 of the Industrial Disputes Act. They further contend that they had no knowledge of any assault on the complainant or about his admission in the Civil Hospital. It is further alleged that the company maintains a hospital on the colliery premises at which free treatment is given to the workmen and the complainant could easily have taken treatment at that hospital instead of going to the Dhanbad Hospital. In any event, he should have informed the management of his inability to attend duties. The management further state that they have no knowledge that the complainant approached the management on 22nd June 1953 as alleged. They further state that the complainant was absent without leave and without information for a long time from 14th June 1953 and therefore has lost claim to his job. It is lastly alleged that the complainant absented himself for a very long time and has now fabricated the story of having applied for a job and being refused, with a view to put up a claim for reinstatement. It is therefore urged that the complaint should be dismissed.

4. It is an admitted fact that the complainant was working as a trammer in the Loyabad colliery. He alleges that he was assaulted on 14th June 1953, as a result of which he was admitted as an indoor patient in the Civil Hospital, Dhanbad, and

was discharged therefrom on 20th June 1953. He approached the management on 22nd June 1953 (21st June 1953 being a Sunday); but he was not allowed to resume his duties. He has therefore filed the present complaint.

5. At the hearing, the complainant made out a new case and it was to the effect that he was assaulted twice. He alleged that he was first assaulted on 12th June 1953 and again on 14th June 1953. He has further alleged that the first assault (on 12th June 1953) took place on the verandah of the manager's office where he had gone along with other members of the Loyabad Workers Union because the Conciliation Officer had gone there to hold conciliation proceedings regarding some disputes. His further allegation is that this assault was made by some members of a rival union and also by some men of the management. He has further alleged that the assault on 14th June 1953 took place near his residence and that the assault was made by some members of a rival union with the help or connivance of the company's men. I am satisfied that the complainant was assaulted on 12th June 1953 and also on 14th June 1953 but I am not satisfied that the assault on 12th took place on the verandah of the manager's office nor that it was made among others by the company's men. I am also not satisfied that the assault on 14th was made with the connivance of the company's men. In my opinion, these allegations are an afterthought and cannot be believed. No such allegations have been made in the complaint. As a matter of fact, the complaint is silent about any assault having been made on 12th. The complaint also does not mention that the assault on 14th was made with the connivance of the company's men. These allegations appear to have been made probably to show that the management was a party to the assault and must therefore be knowing that he was an indoor patient in the hospital which resulted in his absence from the colliery. As I said above, there are no such allegations made in the complaint. There is no evidence beyond the bare word of the complainant. It has been said several people were present when the assault on 12th took place but none of them have been examined. The complainant has stated that he had gone to the manager's office along with Mr. Burman, General Secretary of the Loyabad Workers Union and other members of the Union. The present complaint was drafted by Mr. Burman. Actually Mr. Burman represented the complainant in these proceedings before me. If the assault took place on the verandah of the manager's office and if the assault was made by the company's men, one would ordinarily have expected that such an allegation would have been made in the complaint, as these allegations were material and important. The complainant has stated in his evidence that the Conciliation Officer was in the manager's office when the assault took place. The complainant and others are said to have raised cries when they were assaulted. The complainant admits that neither the Conciliation Officer nor the manager came out even though cries were raised and this fact also goes against the allegation that the assault was made on the verandah of the manager's office.

6. It was then said that because of the assault, Mr. Burman telephoned the police and so the police arrived there. In the course of the examination of Mr. Hare, the manager of the colliery, Mr. Burman produced a slip Exhibit 14 which is in the handwriting of the manager, to the effect that a chargesheet should be issued to certain clerks for allowing an outsider Lalit Burman to use the office telephone on 12th June 1953. Mr. Hare has stated that according to the standing orders, the office staff could not allow an outsider to use the telephone and as they did so, charge sheets were issued to them. He has further stated that he did not inquire the purpose for which Mr. Burman had used the telephone. It was said that this would mean that Mr. Burman must have used the telephone for calling the police. I am afraid that I cannot draw any such inference. Mr. Burman should have gone in the witness box to state the purpose for which he had used the telephone. He should have also gone in the witness box to state as to where the assault took place. It is quite possible that the assault may have taken place at some distance from the manager's office and Mr. Burman may have used the office telephone because of its being the nearest telephone available. It does not necessarily mean that the assault took place on the verandah of the manager's office, nor does it necessarily mean that the assault was made by the company's men.

7. I may also repeat that Mr. Burman has not been examined as a witness nor has any other evidence been led on the point. I disbelieve the story that the assault on 12th took place on the verandah of the manager's office and I also disbelieve that the assault was made by the company's men. In this connection, I may also mention that a complaint or statement must have been recorded by the police; but no copy thereof has been produced in support of the above allegations.

8. Similarly regarding the assault on 14th also, there is no evidence beyond the bare word of the complainant to show that the company's people were parties

to that assault. I may also point out that the complainant first stated that the persons who assaulted him on 14th included one man of the management, but later on he admitted that none of the assailants was a man of the management. He then stated that two or three persons of the management were standing nearby when he was assaulted. He could not give their names. As I said above, no allegation has been made in the complaint that men of the management were a party to the assault on the complainant on 14th. In all these circumstances, I do not believe this allegation.

9. Actually I think that the questions as to who the assailants were and where the assault took place are immaterial. The letter of the Assistant Surgeon, Dhanbad, Exhibit 7 and the certificate enclosed therewith go to show that the complainant was sent to the Hospital from the Jogta police station on 13th June 1953 for some injuries. These injuries were three bruises and were simple. He was admitted to the hospital on 14th June 1953 and was discharged on 20th June 1953. It would thus appear that the complainant was an indoor patient in the Dhanbad Hospital from 14th June 1953 to 20th June 1953 and that he had been sent there by the Jogta Police for treatment of his injuries. This letter of the Assistant Surgeon read with the evidence of the complainant would thus show that the complainant was assaulted on 12th and again on 14th and also that he has received injuries for the treatment of which he had been sent to the hospital on 13th and was admitted as an indoor patient from 14th and discharged on 20th.

10. The fact that there is a hospital at the colliery premises, where the complainant could have got free treatment, is not material; because, he had no choice about the hospital. On the Police getting information about the assault, they went there and must have removed or sent the injured persons to the Civil Hospital. It was a medico-legal case; and probably the colliery hospital would not have entertained it. In any case, the complainant had no say in the matter. He did not himself select the Civil Hospital or go there of his own accord; but it was the Police who sent him there.

11. He alleges that on 22nd June 1953 he approached the manager asking for permission to resume duty, and that he made a formal application for the purpose, enclosing therewith a medical certificate; but the manager refused to allow him to resume work. In support of this allegation, he has produced a copy of a letter said to have been given by him to the manager. In the written statement, the management stated that they had no knowledge that the applicant had approached the management on 22nd June 1953, and further that he had been absent for a long time and had now fabricated his story for having applied for a job. The manager Mr. Hare has been examined at Exhibit 13. He says that he did not remember whether the complainant had gone to see him on 22nd June 1953 nor did he remember whether he gave him any application on that day. In other words, he does not specifically deny the complainant's allegation that he had seen him and given him an application. It is true that the manager has also said that on enquiry he did not find any such application in the records nor did he find any medical certificate of the complainant in the file. This however would not be conclusive. At times some papers are lost or misplaced; and hence the mere fact that there is no such application in the records of the management would not conclusively show that no such application was ever made. The manager has admitted that if any workman gives him an application in writing, no receipt is usually given for it. In the circumstances, we could not expect the complainant to produce a receipt showing that he had handed over the application to the management. In this connection, it may be mentioned that on 30th June 1953 the complainant wrote a letter to the Conciliation Officer, Dhanbad. A copy of this letter together with the receipt from the office of the Conciliation Officer have been produced at Exhibit 12. In this letter, the complainant has specifically alleged that he had applied to the manager of the colliery on 22nd June 1953 asking for permission to resume duty and had enclosed therewith the discharge certificate obtained from the hospital. This corroborates the complainant's allegation of his having seen the manager and given him an application on 22nd June 1953. In view of the fact that the manager does not deny this, I hold that the complainant must have seen the manager on 22nd June 1953 and given him an application along with the medical certificate and asked for permission to resume duty.

12. As I mentioned above, there cannot be any doubt that the complainant was an indoor patient in the Civil Hospital from 14th June 1953 to 20th June 1953. The manager has admitted in his deposition that if a person was assaulted and injured and as a result he was admitted to the hospital, he would certainly call it a reasonable ground for his absence from duty. The complainant had been assaulted on 12th and was sent to Hospital very late that day and was treated on 13th. From all this, I hold that the complainant's absence from duty from 12th

June to 20th June was reasonable. 21st was a Sunday and he approached the Manager on 22nd for permission to resume duty but it was refused and he was not allowed to resume duty.

13. The management in their written statement have stated that the complainant was absent without leave and without information for a long period from 14th and therefore he lost a claim to his job. Thus the management were satisfied about his absence on 12th and 13th. Admittedly no charge sheet was issued to him nor has any order of dismissal been passed. All that has been said is that the management kept the minimum number of men and if a workman was absent for 5 or 6 days, they appointed a substitute. It is further said that in the present case the complainant did not send any information to the management and therefore the management appointed another man in his place. The manager however could not say as to on what date they appointed another man in the place of the complainant.

14. Under the standing orders of the collieries, absence from duty does not amount to automatic termination of employment. Rule 11 of the standing orders provides that if an employee remains absent beyond the period of his leave originally granted or subsequently extended, he would lose his lien upon his appointment. Rule 12 provides that notwithstanding anything mentioned above an employee who overstayed his sanctioned leave or remained absent without properly approved leave would render himself liable for disciplinary action. Rule 27 provides that an employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he was found guilty of misconduct. The rule further describes several cases which would amount to misconduct; clause (16) thereof lays down that continuous absence without permission and without satisfactory cause for more than 10 days would constitute misconduct.

15. This would mean that so far as absence without leave is concerned, it would only amount to misconduct, for which the company could take disciplinary action. But before doing so, the company would have to issue a charge sheet and hold an enquiry and give an opportunity to the employee to show whether his absence was with or without satisfactory cause. In the case of an employee going on leave and remaining absent beyond the period of leave granted, he would lose his lien upon his appointment; but in the case of a person remaining absent without leave, there is no such provision. The only provision, as I said above, is that absence without leave and without satisfactory cause for more than 10 days would amount to misconduct.

16. Thus merely because the complainant was absent without leave, it did not amount to automatic termination of his services. If the absence was without permission and without satisfactory cause for more than 10 days, it would have amounted to misconduct and disciplinary action could be taken against him and he could be dismissed; but before doing so, the management were bound to have held an enquiry after serving the complainant with a charge sheet. Nothing of the sort has been done in the present case. Actually, according to the management, they did not even care to enquire as to why a workman was absent, even though the workman may have been living in a dowrah at the colliery premises. This is certainly not proper. In any case, as I said above, mere absence without leave would not under the standing orders amount to automatic termination of his services.

17. In the present case, the complainant was no doubt absent without permission; but it could not be said that his absence was without satisfactory cause nor could it be said that it was an absence for more than 10 days. According to the evidence of the complainant, he was absent from 12th; but from the written statement of the management, it appears that they have treated him as absent without leave from 14th June 1953. If his absence without leave is counted from 14th or 15th, he was not absent for more than 10 days, when he approached the manager on 22nd. Even if his absence is taken from 12th, his absence upto 20th was for nine days. He approached the management on 22nd (21st being a Sunday). His absence was thus not for more than 10 days. In any case, it was not without satisfactory cause. It did not therefore amount to misconduct.

18. As I said above, the proper course for the management should have been to have issued a charge sheet to the complainant if they wanted to dismiss him for his absence. They did not issue a charge sheet nor did they hold an enquiry. If they had done so, the complainant would have got an opportunity to satisfy them that his absence was not without satisfactory cause and did not therefore amount to misconduct. The complainant was not guilty of any misconduct and the management could not have dismissed him. As I said above, the management

have not passed any orders of dismissal against the complainant. Even if they had passed such an order, the order would not have been proper; because the absence was not without satisfactory cause and did not amount to misconduct, and as no charge sheet was issued to the complainant, the Tribunal would have been justified in considering his case on merits.

19. I may here refer to the well known case of Buckingham & Carnatic Mills Ltd., 1951, Vol. II, L.L.J. p. 314. In para. 8 of this case, it has been observed that the standing orders in that case provided for three types of cases in which the services of an employee could be terminated and the first of them was automatic termination for absence without leave for a stated period or for overstaying leave without satisfactory explanation. It has also been observed that in all cases the requirements of *bona fides* was essential. In para. 9, it has been observed that in the first type of cases, an industrial tribunal would be at liberty to examine the explanation offered by the employee for his absence and other circumstances also for the purpose of seeing whether the employer acted with an honest purpose. It may be noted that in the above case, the standing orders provided for automatic termination of service for absence without leave, whereas there is no such provision in the standing orders of the collieries. But even if there was such a provision, the Tribunal would have been at liberty to examine the explanation offered by the employee for his absence. It has been clearly proved that the complainant's absence was not without satisfactory and sufficient cause.

20. We have then to see whether the action of the management was *bonafide* and whether the management acted with an honest purpose. As I said above, there cannot be any doubt that the complainant had been assaulted on 12th and 14th June and was an indoor patient in the hospital from 14th to 20th June. I am satisfied that he approached the manager on 22nd (21st being a Sunday) and still the manager did not allow him to resume his duties. The reason for this appears to be the trade union activities of the complainant. It appears that some workmen of this colliery have started a union known as Loyabad Workers Union in 1952. There appears to have been another union functioning at the colliery for several years, and that union is the union recognised by the management. The complainant has been the Assistant Secretary of the new union from the time it was started. In the course of the discussion before me, the manager Mr. Hare stated that they were having trouble at the colliery ever since the new Union started working there and he called the new union to be a Communist Union. I am not concerned with the nature of the new Union but the fact remains that the management felt that the new union was responsible for the trouble at the colliery. The complainant appears to be one of the important members thereof. When it was found that he was absent without leave for a number of days, the management probably thought that it was a good opportunity of getting rid of him and hence when he asked for permission to resume, he was not allowed to do so. In my opinion, the action of the management was not *bonafide*. It was a case of victimisation inasmuch as the complainant lost his job because of his trade union activities. He is therefore entitled to be reinstated.

21. It was urged before me that the complainant had not sent any information to the management and that the management had engaged another person in the place of the complainant. It is true that the complainant did not send any information to the management. It would have been better if he had done so. But the mere fact that he did not send information to the management would not be sufficient to hold that he is not entitled to reinstatement. As I said above, he approached the management immediately after his discharge from the hospital and still he was not allowed to resume duty. At that time, his absence was not for a long time. We do not know whether the management had then appointed another person in his place or not. But even if they had made any such appointment, that new person must not then have been working for even a week. They could easily have discharged that man and allowed the complainant to resume his work.

22. It was then argued that there was no breach of Section 33 of the Industrial Disputes Act because the management had not dismissed the complainant but the complainant had lost his job by his own action of remaining absent for a long time. As I mentioned above, his absence did not amount to automatic termination of his services. He therefore continued in service till the management passed orders of dismissal. The management have never passed such orders and still they did not allow the complainant to work and did not pay him any wages. By this, they have clearly committed a breach of Section 33; because though the complainant was entitled to work and receive wages, the management by their action prevented him from doing so. I therefore hold that it is a case which falls under Section 33 of the Industrial Disputes Act.



23. The complainant is thus entitled to reinstatement. He should be re-instated, if he offers himself for employment within ten days of this award becoming enforceable. He is also entitled to his back wages from 22nd June 1953, as work was wrongfully withheld from him from that date. The period of his absence upto 21st June 1953, should be treated as of leave (it should be leave with pay, if leave was due to him; otherwise it should be leave without pay). The wages should include Dearness Allowance, Bonus, free rice etc., i.e. he should get all benefits as if he was on duty from 22nd June 1953. The arrears should be paid to him within one month from the award becoming enforceable. I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman,*

The 15th January, 1954

Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365)/I.]

**S.R.O. 464.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Ram Hridaya Jha and Shri Bisheswar Pandey, workmen of Jamadoba Colliery.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

APPLICATION NO. 38 OF 1952

(Arising out of Reference No. 34 of 1951 and Reference No. 6 of 1952.)

In the matter of application U/S 33A of Industrial Disputes Act 1947.

## PRESENT:

Shri L. P. Dave, B.A. LL.B.,—*Chairman.*

## PARTIES:

1. Shri Ram Hridaya Jha, Office Chaprasi, Jamadoba.

2. Shri Bisheswar Pandey, Gate Chaprasi, Jamadoba—*Complainants.*

*Vs.*

Messrs. Tata Iron & Steel Co. Ltd.'s Collieries, Jamadoba, P.O. Jealgora Manbhum District, Bihar—*Opposite party.*

## APPEARANCES:

Shri B. N. Sharma, General Secretary, Tata's Collieries Labour Association P.O. Jealgora, Dist. Manbhum, Bihar—*For the Complainants.*

Shri S. S. Mukherjea, B.Sc., B.L., Pleader, Dhanbad.

AND

Shri D. Narsingh, Chief Personnel Officer, M/S. Tata Iron & Steel Co. Ltd P.O. Jealgora, Dist. Manbhum—*For the Opposite party.*

## AWARD

This is a complaint under Section 33A of Industrial Disputes Act.

2. The facts leading to this complaint are as under:—

The two complainants were working as office chaprasi and gate chaprasi of the Jamadoba colliery belonging to the opposite party. They are said to have been found asleep while on duty on 26th February 1952. Thereupon a charge sheet was served on them on 27th February 1952. It is alleged that on the night between 27th February 1952 and 28th February 1952, they assaulted Subedar Bombahadur Limbu (who was in charge of the Watch and Ward Department) and Jabbar Bahadur (an employee of the Watch and Ward Department). On 28th February 1952, they were suspended and were also served with a charge sheet for the offence of assaulting the above two employees of the Watch and Ward Department. On 5th June 1952, they filed the present complaint saying that they had been suspended illegally beyond 10 days in breach of the standing orders. They urged that the opposite party had committed a breach of Section 33 of the Industrial Disputes Act by the above action because References Nos. 34 of 1951 and 6 of 1952 were pending at the time. They therefore filed the present complaint under Section 33A of the Industrial Disputes Act and urged that they should be reinstated with payment of back wages.

3. The opposite party contended that it had not committed a breach of Section 33 of the Industrial Disputes Act and hence the complaint was not maintainable. They urged that they had already filed an application No. 40 of 1952 against the complainants under Section 33 of the Industrial Disputes Act for permission to

dismiss them, as they were found guilty of the offences with which they were charged and the opposite party had decided to dismiss them from the date of their suspension. They therefore urged that the complaint should be dismissed.

4. As I said above, it is an admitted fact that the complainants were suspended with effect from 28th February 1952. They were served with two charge sheets on 27th February 1952 and 28th February 1952 respectively. The complainants' grievance is that the management did this without obtaining the specific permission of the Tribunal even though at that time a reference bearing No. 34 of 1951 was pending before this Tribunal. In the complaint, mention has also been made of the reference relating to paid holidays; but the order of that reference was made on 5th May 1952. In other words, on the date on which the complainants were suspended, that reference was not pending, and it could not be said that the opposite party had committed a breach of Section 33, because of the pendency of that reference. Admittedly however Reference No. 34 of 1951 was pending before this Tribunal on 28th February 1952 and the complainants, as I said above, alleged that by suspending them the opposite party has been guilty of a breach of Section 33 of the Industrial Disputes Act.

5. As I said above, the opposite party admits that Reference No. 34 of 1951 was pending before this Tribunal on 28th February 1952. They however contend that they had not committed a breach of Section 33 by suspending the present complainants and hence they urged that the present complaint would not be maintainable under section 33A of the Industrial Disputes Act. It was said in this connection that the management had not contravened either clause (a) or clause (b) of Section 33; because they had not discharged or punished the complainants nor had they altered the conditions of service applicable to them.

6. It is an undisputed fact that the complainants were suspended on 28th February 1952. The management had served a charge sheet on them on 27th February 1952 alleging that they were found guilty while on duty. That charge sheet is not very important for the purpose of this case. A second charge-sheet was served on them on 28th February 1952 alleging that they had assaulted certain persons. At the very time when the second charge-sheet was served on them, they were informed that "they had been suspended with immediate effect pending investigation into your charge-sheet and the management's final decision thereon." The management's case is that after this they held an enquiry in the matter and were satisfied that the charges against the complainants were proved. It is further said that the management decided to dismiss them; but could not do so because of the pendency of an appeal before the Labour Appellate Tribunal. They therefore made an application on 28th March 1952 before the Labour Appellate Tribunal, Calcutta, for permission to dismiss the complainants because of the pendency of Appeal No. Cal.334/51, which arose out of Reference No. 10 of 1951. This appeal was disposed of on 4th April 1952. On 2nd June 1952 the Appellate Tribunal refused to entertain the application made by the opposite party for permission to dismiss the complainants because at that time no matter was pending before them. Thereafter on 16th June 1952 the opposite party filed application No. 40 of 1952 before this Tribunal for permission to dismiss the complainants under Section 33 of the Industrial Disputes Act. These facts are not in dispute. They are mentioned by the opposite party in the statement Exhibit 11 and admitted by the complainants. I may state here that this application (No. 40 of 1952) made by the management under Section 33 of the Industrial Disputes Act has since been disposed of, as it did not survive after the award, that was passed in Reference No. 34 of 1951 (and the award in another Reference No. 6 of 1952 between among others, the opposite party and its workmen) became enforceable.

7. The argument of the opposite party is that they had not contravened either clause (a) or clause (b) of Section 33. They urged that they had not altered the conditions of service of the complainants and hence there was no breach of clause (a) and they had also not discharged or punished the complainants and hence there was no breach of clause (b) of that section. They therefore urged that the present complaint under Section 33A would not be maintainable.

8. Section 33 of the Industrial Disputes Act provides *inter alia* that during the pendency of any proceedings before a Tribunal in respect of any industrial dispute, no employer shall—

- (a) alter, to the prejudice of the workmen concerned in such dispute the conditions of service applicable to them immediately before the commencement of such proceedings; or
- (b) discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute, save with the express permission in writing of the Tribunal. Admittedly, proceedings were pending before this Tribunal on the relevant date and it is also an admitted fact that the employer had not obtained the express permission in writing from

the Tribunal. The question therefore is whether the employer had committed a breach of either clause (a) or clause (b) referred to above.

9. Taking up clause (b) first, it requires that the employer should not discharge or punish any workman. Admittedly the complainants have not been discharged. They have only been suspended. The question then is whether they have been punished. Punishment pre-supposes some action taken against a person after it is held that they have been guilty of particular misconduct. In other words, it means that the guilt of that person has been proved. There cannot be a punishment unless the guilt is proved. In the present case, at the time when the complainants were suspended on 28th February 1952, they were served with only a charge-sheet and they were suspended pending investigation into the charge and pending final decision of the management. That would mean that at that time the management had not taken any final decision. They had not decided whether the guilt was proved or not nor had they decided as to whether the complainants should be punished nor was a decision taken as to the quantum of punishment. The suspension therefore could not mean that they were punished. This would mean that there was no breach of clause (b) of Section 33 by suspension of the complainants.

10. The next question is as to whether there has been a breach of clause (a). That clause lays down that the employer should not alter the conditions of service of a workman to his prejudice. The complainants urge that they have been suspended without pay from 28th February 1952 and have not been paid anything thereafter and thereby there has been a breach of the conditions of their service. In this connection, they rely on Rule 27 of the standing orders of the opposite party. That Rule provides "any employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct, provided that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed ten days." The rule then lays down as to what shall denote misconduct. The complainants urge that the opposite party by suspending them for more than 10 days has committed a breach of this rule and thereby charged the service conditions to their prejudice.

11. The management, on the other hand, urge that by suspending the complainants they have not changed their service conditions; because mere suspension did not necessarily mean that the complainants would not get any pay for the period of suspension. It would depend on the ultimate decision of the management as to whether the charge levelled against the complainants was proved. If the charge was not proved, the complainants would get their full pay for the period of suspension, and hence until and unless the management took final action in the matter, it could not be said that the complainants were deprived of their pay and hence it could not also be said that they had altered their service conditions. In this connection, reliance was placed on the cases of Clive Jute Mills, 1951, Vol. II, L.L.J. p. 344 and Champdany Jute Mills, 1952, Vol. I, L.L.J., p. 554. Clive Jute Mills case was a case of lock-out and the Appellate Tribunal held that by declaring a lock-out, the management had not contravened either clause (a) or clause (b) of Section 33 of the Industrial Disputes Act. It held that a lock-out did not amount to discharge nor did it amount to punishment because punishment pre-supposes an offence or a misconduct. It was further held that there was no breach of clause (a), because the question of giving pay to the workmen was not decided at the time of the lock-out. This question would depend on a variety of considerations and would be decided at a later stage. Hence at the time when the lock-out was declared it could not be said with certainty that the management had contravened clause (a) of Section 33. On the same lines, it was argued that in the case of suspension, it could not be said with certainty that the complainants would necessarily lose their pay for the period of suspension, because it would depend on the ultimate result of the enquiry. In the case of Champdany Jute Mills, it was a case of suspension without wages or subsistence allowance. It was held that the act of suspension did not follow any authoritative finding to the effect that an offence or a misconduct had been committed and there was no existing law or rule which imposed on the employers any duty of paying wages or any subsistence allowance during the period of suspension by way of a security measure. It was further held that if there had been any such rule in the standing orders, non-payment of wages or subsistence allowance, during the period of suspension pending enquiry, might have amounted to a contravention of Section 33, clause (a), of the Act.

12. The above cases would not apply to the facts of the present case. As I pointed out above, the standing orders in the present case provide that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed 10 days. Provisions of this rule are clear and mandatory. They specifically lay down that the period of suspension without pay should not in any case exceed ten days.

13. It is true that Rule 28 of the standing orders provides that during the period when enquiries are being made regarding alleged misconduct, the employee concerned shall be suspended. Reading this rule with Rule 27 above referred to, it would mean that the standing orders require that all enquiries into the cases of misconduct should be held and decided expeditiously. They ordinarily expect that all enquiries should be completed within 10 days. If however for certain reasons an enquiry cannot be completed earlier and if the employer thinks it undesirable to allow the workmen concerned to work, the proper course would be to keep the workmen under suspension but with pay. Rule 27 prohibits suspension for a period exceeding ten days if it is without pay. It does not prohibit suspension for more than 10 days if it is with pay. Rule 27 does not mention as to whether the suspension should be with or without pay. Reading the rules together, therefore, it means that ordinarily the enquiry should be completed within 10 days, so that a workman would not lose his pay for more than 10 days. If the result of his enquiry is in his favour, he would be continued in service and would also get his pay for the period of suspension. If, on the other hand, the management held him guilty and decided to dismiss him, the utmost that he would lose would be the pay for the period of 10 days. The standing orders do not contemplate that a workman should have a sword hanging on him for an indefinite period and that during that period, he should also not get his pay. Rule 27 specifically mentions that the suspension, even if it is pending an enquiry, should not exceed 10 days.

14. It may be noted in this case that the management do not appear to have taken prompt action. The complainants were suspended on 28th February 1952 and it was not till a month thereafter (on 28th March 1952) that an application was made to the Appellate Tribunal for permission to dismiss the complainants. It may again be noted that at that time, another reference was pending before this Tribunal also and yet no steps were taken to obtain the permission of this Tribunal. Even if the Appellate Tribunal had given permission, that permission would only have meant that there was no breach of Section 22 of the Appellate Tribunal Act, because of the pendency of Appeal No. 334/51 arising out of Reference No. 10 of 1951; but there would have been a breach of Section 33 of the Industrial Disputes Act because of no permission having been obtained from this Tribunal before which Reference No. 34 of 1951 was pending. This is also not a case where the management approached the Tribunal within ten days of the suspension and asked for permission to dismiss the workmen. This is a case where for at least a month, the management did not approach any Tribunal for permission to dismiss the complainants. Again so far as this Tribunal was concerned, the management did not approach it till June, in spite of the fact that another reference (reference other than the reference pending before the Appellate Tribunal) was pending before it. They thus clearly contravened Rule 27 of the standing orders, under which the complainant could not be suspended without pay for a period exceeding 10 days. After the period of ten days, he was entitled to obtain his wages. By not giving him any wages after the period of 10 days, the opposite party contravened Rule 27 of the standing orders and thereby changed the conditions of complainants' service to their prejudice. That being so, there has been a clear breach of Section 33(a) of the Industrial Disputes Act; and the present complaint is maintainable.

15. The result is that after a period of 10 days from the date of suspension i.e. after 8th March 1952 the complainants were entitled to receive their pay; that is, though the suspension may continue, it could not be a suspension without pay, but could be a suspension with pay. The complainants are therefore entitled to their pay including dearness allowance and other benefits from 9th March 1952. I pass my award accordingly.

(Sd.) L. P. DAVE, *Chairman.*

Central Government's Industrial Tribunal, Dhanbad.

*The 14th January, 1954.*

[No. LR.2(365)/II.]

**S.R.O. 465.**—The following Order of the Industrial Tribunal, Dhanbad, made under rule 23 of the Industrial Disputes (Central) Rules, 1947, correcting certain clerical errors in its award published in the Notification of the Government of India in the Ministry of Labour No. S.R.O. 327, dated the 13th January, 1954, is published.

#### ORDER

Application No. 236 of 1953—arising out of Reference No. 6 of 1952 in the matter of an application under Section 33A of the Industrial Disputes Act, 1947.

## PARTIES:

1. Gauri Mistry.
2. Behari Mahato.
3. Niranjan Singh.
4. Rampirit Mahato.
5. Ramdhani Mistry.
6. Ramdular Ram.
7. Rambrich Ram.
8. Kunjal Mistry.
9. Dukhan Ram Benia.
10. Brihaspati Kumhar—Workmen of Loyabad Colliery—*Complainants*.

vs.

M/s. Burrakur Coal Co. Ltd., Loyabad Colliery, P.O. Bansjora—*Opposite Party*.

In the award passed in this case by this Tribunal on 5th January 1954, there is a slight clerical error. The word 'that' is written instead of the word "not" in the fourth sentence of Para. 6 of the award, as could be seen from the context. The sentence should really read as under:—

"These facts might *prima facie* show that these persons are the employees of the contractor and not of the management."

I order under Rule 23 of the Industrial Disputes (Central) Rules 1947, that the above sentence should be corrected to read as above.

The 22nd January, 1954.

(Sd.) L. P. DAVE, *Chairman*.

Central Government's Industrial Tribunal, Dhanbad.

[No. LR.2(365).]

## ORDER

New Delhi, the 27th January 1954

**S.R.O. 466.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Imperial Bank of India, Calcutta, and their workmen, in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under Section 7 of the said Act.

## SCHEDULE

Whether the discharge of Sarvashri Darbeshwar Lal, Bai Krishna Mehta, Gopi Krishna Chowdhury, Surendra Prasad Nandy and Rajeshwar Prasad Varma, cashiers employed in the Muzaffarpur Branch of the Imperial Bank of India, was justified and if not, what relief should be granted to them.

[No. LR-100(110).]

P. S. EASWARAN, Under Secy.

